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Debates of the Senate

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OFFICIAL REPORT
(HANSARD)

Wednesday, June 28, 2000

THE HONOURABLE GILDAS L. MOLGAT
SPEAKER



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THE SENATE

Wednesday, June 28, 2000

The Senate met at 1:30 p.m., the Speaker in the Chair.

Prayers.

THE SENATE

DEPUTY CLERK AND PRINCIPAL CLERK—
COMMISSION ISSUED TO GARY W. O'BRIEN

The Hon. the Speaker: Honourable senators, I have the honour to inform the Senate that a commission under the Great Seal of Canada has been issued to Gary W. O'Brien, Deputy Clerk and Principal Clerk of the Senate, appointing him a Commissioner to administer the oath of allegiance to members of the Senate, and also to take and receive their declarations of qualification.

Hon. Senators: Hear, hear!

LAW CLERK AND PARLIAMENTARY COUNSEL—
COMMISSION ISSUED TO MARK AUDCENT

The Hon. the Speaker: Honourable senators, I have the honour to inform the Senate that a commission under the Great Seal of Canada has been issued to Mark Audcent, Law Clerk and Parliamentary Counsel, appointing him a Commissioner to administer the oath of allegiance to members of the Senate, and also to take and receive their declarations of qualification.

Hon. Senators: Hear, hear!

TRIBUTE TO PAGES ON DEPARTURE

The Hon. the Speaker: Honourable senators, as we are approaching the end of our session, I shall take this opportunity to thank all the pages who have served us so well in these past years and to recognize those who will be leaving the Senate after their two years of service with us.

Jaideep Mukerji has been the Deputy Chief Page. He has been with us for two years and has greatly appreciated his time in the Senate. In fact, he says he regrets that so few Canadians have an opportunity to experience what he has experienced.

[Translation]

Next year, Jaideep will be taking part in a program that will allow him to travel the world and continue his studies in political science.

After that, he plans to spend a year in India doing humanitarian work in a clinic specializing in cataract surgery for the poor.

[English]

He wishes to express his thanks to all honourable senators.

Alexander Jeglic has also been with us the last two years and has greatly enjoyed his time here. He graduated recently from the business law program at Carleton University and will be pursuing his law degree in Chicago.

• (1340)

In addition to thanking senators, he also wishes to thank all the staff who have been working with him. I do not know what particular connections he has with the staff, so we shall have to get him to explain that. He hopes to use his skills to improve the socio-economic situation in his homeland, the former Yugoslavia.

The next page is Gregory Kolz. Gregory has been on the two-year program with us. In September, he will be entering his fourth and final year in the honours program in political science at the University of Ottawa. He hopes at some stage to be back in his hometown of North Bay, Ontario, to encourage other young Canadians to join the page program. He plans to pursue a career in law or education, eventually being the first Senate page alumnus to be appointed senator.

In addition to thanking all honourable senators with whom he has worked, Gregory wants to send a special thank you to the members of the Standing Senate Committee on Banking, Trade and Commerce with whom he spent the last few weeks, which he found very exciting.

[Translation]

The next to leave us is Jean-François Lauzon. Unfortunately, he was only with us for one year. He graduated from the University of Ottawa this spring with a bachelor's degree in political science.

Nevertheless, he had an extraordinary year with us, which enabled him to learn much more about the Canadian parliamentary system.

[English]

Jean-François is presently working for a federal cabinet minister. In case senators are wondering who that might be, let me say that this particular minister has a very anxious day or two waiting for the vote that will occur here tomorrow afternoon. He is in a special category, shall we say, insofar as the Senate is concerned.

[Translation]

He plans to complete his master's program at the Université de Montréal in September 2001.

[English]

The next page is Jane Thomson. Jane will be finishing her honours degree in political science next year as a participant in the Carleton-Leeds Parliamentary Internship Exchange Program. Some honourable senators will be familiar with that exchange program, as they have dealt with some of their interns. Jane will work as an intern in the first part of the year here on Parliament Hill and the latter half in London, England, at Westminster. Jane tells us that she has had a wonderful two years here with us and thanks everyone for their help.

Honourable senators might know that the first time Jane applied for the page program, she was judged to be not sufficiently bilingual. She then proceeded to extend her bilingual skills by taking special courses and has passed the course. We have used her on a number of occasions to speak to the Forum for Young Canadians and others about our page program.

[Translation]

Last, but certainly not least, on the list is Robbie, who is always very active.

[English]

Robbie Tremblay joined the page program in February of 1998, and he has been here with us three years. I am not quite sure how he managed to have a three-year appointment for a two-year program, but that, I suppose, is Robbie. He hopes to continue his volunteer work with gay and lesbian youth and to finish his bachelor's degree in political science and sociology. After graduation, he plans to study social work and hopes to pursue a career in **community planning, program development and social intervention**.

On behalf of all honourable senators, I wish to express our thanks to this group of fine young Canadians who served us so well in the past one, two, or three years, and to wish them every success in the future and, indeed, perhaps back here someday as senators.

SENATORS' STATEMENTS

HEALTH

A GUIDE TO END OF LIFE CARE FOR SENIORS

Hon. Sharon Carstairs: Honourable senators, on June 7, I had the honour to participate in the official launch of "A Guide to End of Life Care for Seniors." This guide, funded by Health

Canada, was a collaborative project by lead experts in the fields of palliative care, gerontology and medicine.

The objectives of the guide are to improve end-of-life care for seniors by consolidating best practices, providing a national guide for everyday practice, developing a common language for the practice of care, and facilitating increased autonomy and independence in decisions by seniors.

The main audience for the guide are health care and social service providers in long-term and acute-care settings and in community agencies. The guide will also be useful and informative for seniors and their family caregivers, health care planners, students and, to some degree, the general public. Indeed, it is my hope that a client-centred guide will flow from this, one that will be a bit more consumer-friendly. This is also the wish of the writers of the project. An online version of the guide will be available shortly and a link will be established with my Web page.

I should like to congratulate the co-chairs of the national advisory committee that created the guide, Dr. Rory Fisher from the University of Toronto and Dr. Margaret Ross from the University of Ottawa. Both are well respected in the field of end-of-life care. They, along with the other project members, have created a first-class document that, in my view, will be very useful in expanding our knowledge base on quality end-of-life care.

HUMAN RIGHTS

WINDS OF CHANGE

Hon. Calvin Woodrow Ruck: Honourable senators, once again it is a pleasure and an honour for me to rise and say a few words. Again, I express my thanks to all who helped me along the way. It has been an interesting two years. The time went by fast but the Lord is good.

My remarks primarily will be on human rights and the winds of change.

It was the government of Pierre Elliott Trudeau that in 1977 brought in the Canadian Human Rights Act. The coming of human rights legislation to Canada has had a major impact on me and many other members of minority groups. As a matter of fact, I was hired as a human rights officer. That really gave me an opportunity to help to right the wrongs. We have come a long way since those days, and I express my thanks to our Lord and Saviour for human rights legislation. It gave us the opportunity to work with young people and assist them in finding employment in stores that traditionally did not hire visible minority persons. We now have black men and women working on the police forces in many of our cities and towns. We have black men and women also working as RCMP officers, in Canada's elite police force, and all that came about through human rights legislation.

We have come a long way, honourable senators, but there is still a long way to go. We can see the winds of change blowing all the time.

I look back on what took place in 1917 when an explosion almost demolished half the city of Halifax. In due course, that section of the city was redeveloped, but not a single black person was given the opportunity to live in any of the redeveloped housing. With the human rights legislation in place, that situation has changed. I have felt personally the sting of not being able to live in the area. I applied to the Halifax land commission for a piece of land. They gave me the runaround and told me to write them a letter, which was rather unusual. At any rate, I wrote the letter. This all happened during the days I worked for Canadian National Railways.

• (1350)

I dropped the letter off in Newcastle, New Brunswick. I did not hear from the manager of the land commission and consequently had to visit his office. He told me that all of the land had been taken and that he was not in a position to allow me to have a lot in that area. This is but one example of the stumbling blocks we had to overcome.

However, it did not end there. I went to the Human Rights Commission with my complaint, and in due course the land was made available. I refused to accept it because in the meantime I had purchased another piece of land.

Honourable senators, the winds of change have made a difference with respect to minority persons. As I say, we have come a long way and still have a long way to go.

Again, I express my thanks to all honourable colleagues who assisted me along the way. I wish them the best as they continue to work on behalf of the Liberal Party of Canada.

[Translation]

OFFICIAL LANGUAGES

Hon. Jean-Robert Gauthier: Honourable senators, I wish to raise a concern requiring corrective action. I am referring to the practice whereby we may express ourselves in the official language of our choice in this chamber. However, some honourable senators, aboriginals in particular, do not have the right to express themselves in their national language and be understood. In the legislative assemblies of the Northwest Territories, the Yukon and Nunavut, however, aboriginal MLAs are permitted to address their colleagues in the national language of their choice.

In the Northwest Territories, there are 11 official languages and provision is made for interpretation of these languages during speeches or comments. It is fair and equitable for the Senate to consider allowing our senators from the Northwest Territories to express themselves here in the Senate in the national language of their choice. I shall explain. The Senate has

a reputation as the defender of regions and minorities. This is one good reason we should be able to turn to interpreters so that we may understand what our friends and colleagues, the senators from the Northwest Territories, are telling us in their national language.

I shall give you an example. My grandfather, Louis-Philippe Gauthier, was elected as the member for the riding of Gaspé in 1911. He did not speak English. He came to the Parliament of Canada and he spoke in French. If we consult the Hansard of the day, all we find is this: "Louis-Philippe Gauthier, député, *spoke about a Wharf in Sainte-Anne-des-Monts.*" In 1958, Mr. Diefenbaker introduced interpretation of speeches in the House, and this was a very important step forward for the Canadian parliamentary system.

Honourable senators, it is time to take another step, to recognize, as the territorial legislative assemblies do, that our aboriginal friends are entitled to speak in their own language in the Senate of Canada, which is supposed to be the defender of minorities, the defender of the Northwest Territories, and the defender of the regions.

[English]

CANADA-UNITED STATES PARTNERSHIP

Hon. Edward M. Lawson: Honourable senators, I had the privilege last week to attend the second annual meeting of CUSP, the Canada-United States Partnership, arranged by President Clinton and Prime Minister Chrétien to deal with the border problems that affect both countries. I was pleasantly surprised that about 100 senior officials and politicians from both governments were in attendance, including consuls-general for both the State of Washington and the Province of British Columbia, along with senior American officials and people involved in law enforcement, immigration and border crossing trade.

It was a remarkable experience to find that CUSP members were spending all this time trying to find out how to be better neighbours. They are working on PACE programs, ease of access back and forth across the border, and immigration. Americans are making it easier for us to go to the United States and Canadians are making it easier for Americans to come here.

CUSP is a productive and progressive organization because of the commitment of everyone involved. They spent much time discussing other issues, such as terrorism, illegal immigration, the movement of drugs, and so on. The entire two days were spent trying to be better neighbours and solving problems affecting both countries.

I congratulate those responsible for putting the meeting together. It was rewarding to see the genuine concern at the highest level on the U.S. side and on our side and on the part of the various federal agencies. In spite of all the serious problems, they are continually looking for ways for Canada and the U.S. to be better neighbours and trading partners.

ROUTINE PROCEEDINGS

BUSINESS DEVELOPMENT BANK

ANNUAL REPORT TABLED

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I have the honour to table the Business Development Bank annual report entitled "BDC Financing at the Speed of Innovation: Empowering Local Solutions for Global Competition."

[Translation]

TRANSPORTATION SAFETY AND SECURITY
REPORT OF TRANSPORT AND COMMUNICATIONS
COMMITTEE ON AIR SAFETY AND SECURITY TABLED

Hon. Lise Bacon: Honourable senators, I have the honour to table the sixth report of the Standing Senate Committee on Transport and Communications, entitled "Report on Air Safety and Security."

[English]

HER MAJESTY QUEEN ELIZABETH THE QUEEN MOTHER

MESSAGE FROM SENATE ON THE OCCASION
OF ONE-HUNDREDTH BIRTHDAY

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, pursuant to rule 59(18), I move:

That the Speaker of the Senate send an Address to Her Majesty Queen Elizabeth the Queen Mother expressing the heartiest good wishes and congratulations of all Senators on the occasion of her one-hundredth birthday.

Motion agreed to.

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I shall have a comment on house business before we proceed to deal with what is Item No. 1, resuming debate at third reading of Bill C-20. I wish to call as the first item of government business Bill C-19, third reading of the

legislation dealing with the Rome Statute and the International Criminal Court.

• (1400)

CRIMES AGAINST HUMANITY AND WAR CRIMES BILL

THIRD READING

Hon. Peter A. Stollery moved the third reading of Bill C-19, respecting genocide, crimes against humanity and war crimes and to implement the Rome Statute of the International Criminal Court, and to make consequential amendments to other Acts.

He said: Honourable senators, I feel that one of the few positive elements that came from the Yugoslav crisis was the setting up of the War Crimes Tribunal in the former Yugoslavia. One advance is that people who commit atrocious acts will now know that, at some time in the future, even if it is difficult or impossible to stop the atrocious act as it is taking place, they face arrest for their actions. They will be brought to trial and evidence will be presented to determine whether or not they are guilty. That is a positive step in the future of our world. It is one of the very few positive steps, and I speak as one who has spent part of my life in civil wars and various situations of mayhem around the planet. It is an actual step forward.

Things go wrong, and sometimes it can take years before these people are brought to justice, and it is in that sense that I speak to the third reading of Bill C-19. The bill, essentially, fulfils Canada's commitment to establish the International Criminal Court, and makes the necessary changes to various Canadian statutes to bring us into conformation with the procedures that will be required to operate this court. The court will be in effect the next step from the one in The Hague that is presently dealing with the atrocities committed in former Yugoslavia.

The International Criminal Court, ICC, will be an institution with the exclusive mandate of ensuring that justice is served equally throughout the world. Hopefully, there will be no country, or any individual, who will receive preferential treatment before this court. The ICC will serve the interests and protect the well-being of all citizens of the global community, be they men, women or children. The principle of equality is central to the integrity of the ICC.

I should like to commend all those countries that are presently resisting the pressure by the United States, which is lobbying for special immunities before the court. If such a proposal were agreed to, the court would lose all moral authority. I urge those nations that are standing firm against the United States' pressure to continue to demonstrate the utmost resolve against those who would compromise the credibility of the court. The ICC has staked equality as a central pillar of its foundation and this must not be derogated from in any respect.

The crimes against humanity and war crimes bill, and the International Criminal Court, exemplify the progression that the world community, collectively, is attempting to make in the furtherance of the principle of equality. These efforts are reflective in the Rome Statute, which is revolutionary in the provisions that it contains — especially those that focus on the particular hardships that women and children must endure in times of armed conflict.

Honourable senators, the statute requires that a fair representation of female and male judges be taken into account in the selection process, as well as a fair representation of females and males in the selection of staff in the office of the prosecutor and all other organs of the court. Provisions have also been adopted that require the selection of judges, prosecutors and other staff who have particular expertise in violence against women. This inclusion of staff with expertise in gender and sexual violence in war ensures that war crimes that are exclusively committed against women will remain a matter of central importance.

Honourable senators, the ICC will be established once 60 countries have ratified the treaty. When that happens, the ICC will become a permanent deterrent that will help to ensure that individuals will no longer carry out atrocious acts against humankind. In particular, the ICC will help to ensure that those who attempt to commit genocide through the use of sexual violence and use sexual violence as a weapon of war will be prosecuted for their offences.

Honourable senators, I wish to take a brief moment to emphasize a particular point in the tenth report of the Foreign Affairs Committee. We mentioned that your committee regrets that it did not have sufficient time to give the bill the full attention that the committee would have liked. We thought that it was important for the government to endorse the Rome Statute, and in that sense, both parties expedited Bill C-19.

However, the committee also recommended that an ongoing study be undertaken by a committee of the Senate of issues and concerns arising from the bill, as well as evolving issues pertaining to the coming into force of the Statute of Rome and the establishment of the International Criminal Court. Your committee recommends that this study be completed within three years.

Honourable senators, I believe that the members of the committee felt — although I do not speak for my colleagues because they can speak for themselves — that there were problems with Bill C-19. There are areas that could be changed and possibly amended. I know that some would say, “Well then, why did you pass it?” We passed it because we thought it was better to pass it than to leave it. We intend to pursue this matter at the committee level, because we think that the project requires

changes and improvements. There are questions with which I shall not take up the time of honourable senators this afternoon. However, I want to emphasize that point, because it was the very strong feeling of the committee that we tried to do the best that we could under the circumstances. The bill, or rather the project, has great room for improvement.

Having said that, honourable senators, I am pleased to support Bill C-19 at third reading.

[Translation]

Hon. Pierre Claude Nolin: Honourable senators, would my colleague accept a few questions?

Senator Stollery: Yes.

Senator Nolin: In the second part of his speech, the honourable senator referred to certain concerns the committee had when it examined Bill C-19. I believe you heard the Minister of Foreign Affairs. Did you share those concerns with him?

• (1410)

Senator Stollery: Yes, the minister is aware of our concerns. He agreed with the three-year time frame to examine these matters and make a report. The study would not be done specially by our committee. The answer to the question is yes. We also heard from a very interesting witness for some 10 or 15 minutes. He remained for a good quarter of an hour instead of only five minutes and raised some points that were of considerable interest to the committee members.

Senator Nolin: Am I to understand that the minister is going to monitor very closely the study proposed in the report, and possibly to introduce in one of the two chambers of this Parliament the necessary changes arising out of your planned examination of Bill C-19 and of the application of the Rome Statute?

Senator Stollery: Honourable senators, no doubt the committee members hope that the minister will take us seriously. If we find any problems with this bill — and I believe we shall — I am sure he will make the necessary corrections.

[English]

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): I should like to put two questions to the honourable senator. He alluded in his address to concerns regarding a number of evolving issues in the report. Would he identify his top three concerns?

Senator Stollery: Honourable senators, we tried to expedite the project. There are a number of issues in the bill about which many honourable senators have questions. I should be mistaken if I stood here and tried to come up with the top three because there are a series of questions. I do not think it would be proper to try to prioritize them.

Senator Kinsella: Honourable senators, here we have the tenth report. We are told by the committee:

...your committee regrets that it did not have sufficient time to give the bill the full attention that the committee would have liked.

That is on the record now.

Here we have a committee reporting a bill without amendment and telling us in the report, "We wish we had more time to do a good job." We know there is a certain aristocracy of mediocrity abroad in the land, but I find this unacceptable.

In response to my question a moment ago, the chair of the committee stated that the committee has a number of serious questions flowing from this bill. I fail to understand why a committee of this place would say, first, "We did not have enough time to study this matter and we should have liked more time," and, second, "There are many serious questions, but here is the bill; pass it anyway."

Perhaps the honourable senator can elucidate the situation. Perhaps I have not understood what is happening.

Senator Stollery: I can advise the honourable senator that there were discussions before we met yesterday. The question was simply whether the bill would be postponed until the fall or dealt with before we rise, hopefully, tomorrow.

The reply I received as chairman was that the Senate thought it was better, on balance, to pass the bill because the bill has positive features, one of them being that we have now implemented the Rome Statute, which we committed ourselves to do. I suggest that is the reason both the opposition and government sides decided to pass the bill yesterday.

Senator Kinsella: Finally, honourable senators, in the copy of the tenth report that I received from the Table and the copy of the report as it appears in the *Journals of the Senate*, the second paragraph of the report as reproduced in the *Journals* states:

However, your committee regrets that it did not have sufficient time to give the bill the full attention that the committee would have liked.

In the copy I received from the Table, there is a further sentence with a line through it that reads:

This regret is felt all the more acutely since this bill may well serve as a model to other states who will be developing implementing legislation in relation to the International Criminal Court.

I take it that the honourable senator's committee decided not to include that last sentence. If that is the case, perhaps an explanation is in order. Even if it is not the case, the proposition or the expressed sentiment that Bill C-19 is perceived by some members of the committee as serving as a model for other states makes this issue that much more serious.

Senator Stollery: Of course, the honourable senator has in his hand a copy of the motion. Though the committee decided not to include that paragraph, the honourable senator has now very successfully included it because it is now in the *Debates of the Senate*. We took the decision not include those words.

Obviously, on reflection, as we read the paragraph that has now been included in Hansard, we decided that we did not agree with it.

Hon. Marcel Prud'homme: Honourable senators, I wish to speak to the bill. I shall take the time necessary to read the tenth report.

Yesterday, the Standing Senate Committee on Foreign Affairs had the honour to present its tenth report. I should like honourable senators to listen attentively to the tenth report.

Your committee, to which was referred Bill C-19, An Act respecting genocide, crimes against humanity and war crimes and to implement the Rome Statute of the International Criminal Court, and to make consequential amendments to other Acts, has examined the said Bill in obedience to its Order of Reference dated June 22, 2000, and now reports the same without amendment.

However, your committee regrets that it did not have sufficient time to give the bill the full attention that the committee would have liked.

Honourable senators will see that the last line of the tabled report has been scratched out. With today's computers, that line would have been deleted from the report.

As Senator Kinsella has noted, the sentence that was scratched out reads:

This regret is felt all the more acutely since this bill may well serve as a model to other states who will be developing implementing legislation in relation to the International Criminal Court.

The committee report as reproduced in the *Journals* continues:

Consequently, your committee recommends that an ongoing study be undertaken by a committee of the Senate —

— which one we do not know —

— of issues and concerns arising from the Bill, as well as evolving issues pertaining to the coming into force of the Statute of Rome and the establishment of the International Criminal Court. Your committee recommends that this study be completed within three years.

Respectfully submitted,

• (1420)

Let me give honourable senators the legislative history of Bill C-19. I have done this research since yesterday. First, there is the bill stage, House of Commons; first reading, December 10, 1999; second reading, May 8; committee report, June 7; report stage, June 9; and third reading, June 13. There is then the first reading in the Senate, on June 14; second reading, June 22, last Thursday. Who spoke at that time? First, Senator Stollery spoke, and then Senator Finestone spoke on June 20. Last Thursday, prior to adjournment, Senator Andreychuk and Senator Hays asked for second reading.

The bill then went to the committee Thursday night. It is a very important piece of legislation. If you read Senator Finestone's speech and that of Senator Andreychuk, will you see that? I went to the committee meeting Thursday night to check. There was no action, of course, either on Thursday night or on Friday. Saturday was a holiday, as was Monday. Yesterday morning, however, the minister appeared before the committee. The committee closed shop and reported yesterday afternoon. I must admit that I have never seen that in my life. You now have exactly what I had in mind when I said that I did not want to look like the House of Commons. I was there for 30 years. At the last minute, they would always throw a series of bills at you, as they have done at the National Assembly in Quebec City. It seems now that the Senate has espoused the same bad habits of the House of Commons of Canada.

Honourable senators, I believe that if you say that this will be, and it is written in the report that you feel acutely about this bill since it may well serve as a model to other states developing the same type of legislation, surely you would want a good bill. Surely, you do not want to wait for eventual amendments to be brought forward by an eventual committee that has not yet been put together. You say "within three years."

Honourable senators, if I am correct, over the next three years, there will be 20 plus new senators. Regretfully, at least 20 will leave us — and that is not counting those who God may call on his own time. Either this piece of legislation is important and deserves proper attention or it does not. I support this important piece of legislation. However, I should have liked people to be have been given a chance to present their views on it. I am sure the Foreign Affairs Committee chairman, who is a serious person, probably chose the phrase "the said bill in obedience to its order of reference" to show his displeasure. What does the word "obedience" mean in this context? The committee had an option available to it. They could have said, "No, we shall not let you push us like that." I was chairman of the National Defence and Foreign Affairs Committees for 14 years in the other place. If you think the government pushed me, then you are wrong. I took a stance and said, "No. We shall either have a good study or I shall not be the chairman." We had good studies, with the cooperation of people like Senator Forrestall and Senator Roche, who were members of the committee. They will remember the

time when both Foreign Affairs and National Defence formed one committee.

I do not want the Senate to become a replica of the House of Commons in how they carry out their business. I do not blame the house leader; he is just doing his job. The government has decided that these bills are to have priority. However, if you want to have respect for yourselves as senators, the time will come, as I said yesterday on another bill — and I shall keep saying it until either I give up or someone makes some necessary changes — when we shall have to decide whether or not we shall continually proceed under these conditions.

Some people may think that we are nobodies 50 yards away from Parliament. That is a famous saying. I always thought we in this chamber were 50 yards away from Parliament. I took that statement in the reverse. I feel we, as senators, should not accept being pushed around in any way, shape or form. We should do our duty as we see fit, as we were asked to do when we were appointed to the Senate, a house of reflection where you do not get nervous. I repeat, I have a great affinity for new senators because I was once a new senator. I was fortunate in that I came from the other place, so I already knew how the Senate functioned. I always tell new senators, "Today is your day of glory, because starting tomorrow you are on your own." I often regret that, but I tell you to find out for yourself what is going on and how it is going on. Some people can exchange chairs, but others have a point. If they tell me privately, "I have a point," then I shall not mention their name but I shall not hesitate to be their spokesperson in public. I do not think the Senate should be treated in this way — more so when I see it written in the report that they "regret," and words like "obedience." I am not here to be obedient to anyone. Sometimes I regret not being part of a major party again so that I could be more useful here.

Honourable senators, that is my intervention. I have spoken directly to the bill. In September, perhaps a few witnesses and people who have spoken out and have shown displeasure with this bill will at least pay attention to the tenth report that was presented yesterday, which I just read in its entirety. During the summer, some honourable senators may say "If he has no point, that is it." Stan Darling, a beloved member from the House of Commons, did not mix words. When you had a point to make, he would tell you when you were right or when you were wrong. He did not hesitate to tell you so. He would say, "You are wrong," and that was the end of it.

Honourable senators, if you think there is a point here, maybe you should reflect today before you give your consent or say, "It is a bad bill. We wrote it ourselves. *Mea culpa*. It's not the best." This bad bill will now be copied around the world because Canada is always regarded as a light of hope and a light of change. That is my definition of Canada: a light of hope. The world looks at us and says, "They do things better over there." We often arrive at these decisions because of the Senate, but that will not be so today.

Hon. Landon Pearson: Honourable senators, I should like to speak up in defence of the children whose lives will be impacted by the implementation of the Rome Statute and by the passage of this bill and to explain why I think it is important that we pass it today.

In September, there will be a major international conference on the topic of war-affected children. According to Human Rights Watch, there are presently 300,000 children serving as soldiers in armed conflict. These children are not only subjected to the stresses and horrors of war but are often used by cowardly adults as cannon fodder or as human mine detectors. The children are physically and mentally vulnerable to the threats placed on them by the unscrupulous adults who use children for their own misguided purposes. As a result, these children are denied their innocence and childhood. Instead of being able to develop in an atmosphere of peace and stability, these children are introduced to the horrors of warfare: killing, torture and suffering of the highest degree. If these children are lucky enough to survive unscathed, they are often emotionally scarred for life, and their chances of becoming productive citizens are greatly hampered.

• (1430)

Children are often abducted and forced to join armed groups. Others turn to the army because of the breakdown of their society. Many do so because their families have been killed and they are desperate for the support network that warlords fraudulently offer. At present, child soldiers are being used in more than 30 ongoing conflicts throughout the world. Children as young as eight has been forced to engage in conflict. Among these children are young girls who face additional hardships, such as being taken as “wives” by rebel leaders in certain conflicts. Many of these young women are also subjected to forms of sexual abuse, including rape.

The Rome Statute of the International Criminal Court represents a significant step forward in holding individuals criminally responsible for committing genocide, crimes against humanity, and war crimes against children. The inclusion in the statute of crimes such as conscripting or enlisting children, attacking schools and committing rape all have special meaning for war-affected children. Widespread ratification of the statute will replace a culture of impunity with respect to crimes committed against children with a culture of accountability.

The ICC statute and the rules of procedure and evidence currently being drafted at the ICC preparatory commission provide for staff and judges with expertise in violence against children and allow the court to adopt child-sensitive methods for gathering evidence and hearing testimony from children. The ICC statute therefore recognizes that war-affected children have particular needs and that these needs must be effectively addressed if children are to be involved in the work of the court.

As has often been noted, children and women comprise the majority of civilians in armed-conflict situations. With ever-growing numbers of attacks on civilians, it is not surprising that children tend to suffer disproportionately in times of war. Children are targeted for certain kinds of crimes. Children, especially boys, are forcibly recruited or killed or maimed to prevent them from becoming soldiers for the other side. Girls are forced to become sex slaves or domestics or otherwise subjected to horrendous forms of sexual violence. Schools are bombed in efforts to force families to flee, and civilians, including children, are deliberately starved.

The ICC statute specifically prohibits the conscription or enlistment of children under the age of 15 into national armed services. Canada's age minimum for military service is now 18, as you know, for deployment into areas of conflict.

Certain war crimes also especially affect children, such as intentionally directing the attacks against buildings dedicated to education. Enslavement and trafficking of children are also listed as crimes against humanity.

The statute recognizes that children will not be meaningfully or safely involved in the work of the court unless child-sensitive judges and staff are elected and hired. One of the considerations states must keep in mind when electing judges is whether they have legal expertise in violence against children. When hiring staff, court officials must keep in mind the need for experts in violence against children.

The statute empowers various organs of the court to take into account the fact that the witness is a child. During the investigation stage, the prosecutor must take appropriate measures to protect the safety, physical and psychological well-being, dignity and privacy of witnesses and, in so doing, shall take into account the age of the victim or witness and whether the crime involves violence against children. This protection continues into the trial stage, and at both stages the Victims and Witnesses Unit may advise the prosecutor and court on the measures they see as appropriate in the circumstances. Children below the age of 18 will not appear before the court as defendants.

Honourable senators, since I think that the International Criminal Court is of the greatest importance and that it is necessary to replace the culture of impunity with the culture of accountability, I urge you to support this bill.

Senator Nolin: Would the honourable senator entertain a few questions?

Senator Pearson: Yes.

Senator Nolin: The honourable senator referred to a conference in September. Is that dependent on the ratification of the statute, or is it independent?

Senator Pearson: It is quite independent.

Hon. Anne C. Cools: Honourable senators, I have a question. Senator Pearson has described in very poignant terms, and in terms that grip all of our hearts, the suffering of not only children but millions of human beings across the world. I should like to ask Senator Pearson to tell me, if she could, how the passing of this statute corrects the suffering of children all across the world.

Senator Pearson: My own strong belief is that one reason people who exploit children go on doing it is that they think they can do so without impunity, that it will not matter, and that as long as they control their countries, no one will hold them accountable. This bill enables Canada to ratify the statute. This statute will tell people in the world that this is no longer acceptable, and that they will no longer be free from being charged once they misuse children in the ways I have described.

Senator Cools: As a second part of my question, the courts in Canada do not stop children in Canada from suffering. How can an international criminal court stop children from suffering? It seems to me that courts bring people to justice after a crime has been committed, not before.

Senator Pearson: My answer to that is, while we do not have the complete statistics in Canada, we now know that in the United States cases of child abuse have been diminishing for six years in succession as a result of many of the efforts taken by the courts in the United States.

Senator Cools: I should like to speak to this. My information is that all of these statistics in respect of child abuse in North America, particularly in the U.S., are on the increase. Statisticians have justified that, not because child abuse is increasing but because the measurement of cases and the reporting of cases have been increasing.

Honourable senators, I prefer to defer to Senator Andreychuk, but I should like to say a few words on the bill itself. Am I correct in my understanding that the intention is to pass this bill today? What is the urgency? I had understood that this was not an urgent bill. However, it appears to have suddenly taken on that status, and some of us want to know why that is so. There is no reason in the world to rush a bill and not to hear witnesses, honourable senators. Since I had been told that there was no need to rush our deliberations in regard to this bill, I had been hoping that when the bill referred to committee, we would hear from witnesses such as Ramsey Clark, the former attorney general of the United States of America who is an authority on international law and international courts.

Could we have some serious explanation about why this bill, which suddenly came upon us in the last two or three days, is now being rushed through the Senate? If it is such an urgent matter, the bill could have been brought forward last week or the week before.

The Hon. the Speaker: Honourable senators, we may be running into a problem in that we are currently in the process of

debating this bill. Does Senator Cools have a question for Senator Pearson?

Senator Cools: I was trying to find out if we are expected to pass this bill today. If that is not the intention, then I should like to speak to this bill. It is a serious matter. This bill would create a novel court. It is an extremely unique and important matter and it should be properly studied. It is a shame and a pox on this chamber that we are not giving this bill the study it deserves.

• (1440)

The Hon. the Speaker: Honourable Senator Cools, the debate is proceeding. It is before us now. Senator Andreychuk is prepared to speak. I shall put the Honourable Senator Cools on the list of speakers.

Hon. A. Raynell Andreychuk: Honourable senators, I have already spoken as to why I believe Bill C-19 is a serious bill that deserves our attention. The International Criminal Court is not a new issue. The treaty was signed on July 17, 1998. Canada should have been working toward ratification of the bill from that date.

I draw the attention of senators to the debate that took place when the minister testified before our committee yesterday. The minister was asked why the government again put the Senate in the situation of having to weigh the need to move and to be a leader on this issue against the fact that the Senate must do its job. I have heard today that this is a most important bill that has not been given the full attention of the Senate.

Honourable senators, I have been here sufficiently long, although not as long as some, to say that we have been put in this position many times. We have moved on bills that we should have liked to study more appropriately. However, we have to ask ourselves if we should prejudice people who may benefit from a bill as opposed to taking more time to ensure that we have totally and adequately studied it.

I remember a bill that had to do with aboriginal peoples. When I was chairing the Aboriginal Peoples Committee, I was told by the minister who was sitting up in our gallery that we had to go through first, second and third reading all in the same day — and we did just that. In my opinion, it was totally inappropriate. However, if we had not done that, we would have jeopardized the provisions of the bill for the benefit of aboriginal peoples. I thought it was dastardly then to have been put in that position, and I feel the same way about Bill C-19.

The International Criminal Court demands our priority and attention. Some 60 ratifications are necessary. We could very easily say, "Let other countries ratify, after which we shall ratify in due course." I do not think that position would be in the best interests of Canada. As a consequence, I agreed to expedite this matter.

Honourable senators will see in our committee report that we spent a great deal of time discussing why the minister had not convinced his government that Bill C-19 is a priority bill. His answer was that he had difficulty getting certain items on the agenda. I believe we made it clear to him that we did not feel his answers were appropriate. In fact, the reason for the comment in the report is that some of us have come to the point at which we have heard too often the comment "It will not happen again." Thus, we are sounding a warning. Rather than being criticized for that, I hope that senators will laud us for having the courage to put in the report the comment that we are not getting the benefit of the House of Commons and the government in this institution.

What we are arguing about in regard to Bill C-20 is that the Senate is not included. Time and time again, the Senate is not taken into account. In my opinion, this is symptomatic of a systemic disrespect for the Senate. I do not see Bill C-19 as unusual; I see it as symptomatic of a greater problem vis-à-vis the Senate.

Honourable senators, I believe that some of us have given sufficient scrutiny to the portions of Bill C-19 that have to do with the International Criminal Court. The International Criminal Court will be an experiment in itself. There is no other model to follow. The tribunals in both Rwanda and Bosnia are specific to those areas and, at best, are ad hoc. They are flawed by nature of how they were set up.

The International Criminal Court has had the benefit of the best minds that the international community of diplomats, government officials, NGOs, jurists and lawyers could put together. There is no question that there are some uncertainties in the bill. It is about these uncertainties that some members of our committee have said ongoing study is warranted. We must continue to look at Bill C-19 to see **whether** it is appropriate or whether it needs **adjustment**.

The dilemma is that nowhere in the House of Commons or the Senate is there a place for the ongoing scrutiny of international treaties. We are creating a mechanism that will do just that, which is why we are asking for a study. As to which committee this matter should be referred, perhaps it should be the Standing Senate Committee on Legal and Constitutional Affairs or the Standing Senate Committee on Foreign Affairs. Perhaps it might be referred to a new committee on human rights. Nonetheless, we are signalling that there must be ongoing scrutiny to ensure that Canadian laws comply with the ongoing development of the International Criminal Court. On that basis, I was prepared not only to approve Bill C-19 but to approve the comment about scrutiny.

I said in my speech at second reading, and I shall say it again, that it was bad public policy for the government to have put together the implementation portions of Bill C-19, which are needed for the ICC, along with the amendments to the Criminal

Code, which by and large are amendments needed because of the decision in *Finta*. While the officials yesterday tried to explain why they put the implementation portions of the bill and the amendments together, I do not accept their comments. It would have been better had they been separated. It is about this area of amendments to the Criminal Code, which ensure that war crimes prosecutions can continue, that there are some differences of opinion.

Those of us who read the debates in the House of Commons know that a number of people felt that the provisions are not strong enough, while others felt that they are not consistent with the ICC. I believe those points warrant more scrutiny.

The dilemma for us was this: Do we hold up the International Criminal Court and signal that we are not ready to go ahead because we see internal Criminal Code amendments having to be made? In the interest of international justice and in the interest of Canada's position, which I believe has been an all-party position of support for the International Criminal Court, we should not delay the passage of this bill. In fact, we were weighing it in the same way as we weighed Bill C-23. About Bill C-23, we asked if there should not be an amendment to remove clause 1.1. I recall senators in the committee saying that they would like to amend it, but to do so would mean to return it to the House of Commons, which is not now sitting. There was also a question of whether there will be an election in the near future. If there was even the slightest chance of having the bill fail, it is better to go with the bill rather than risk losing it. That is my feeling with regard to Bill C-19. If we delay its passage, we risk losing the bill on the International Criminal Court.

Honourable senators, it has been proposed that we study this bill. A few groups, Amnesty International being one of them, said that they would continue to look for more improvements in Bill C-19, but weighing the pluses and the minuses they would prefer the bill to go forward. I believe I also heard that from the witness who appeared before us. The minister indicated that he agreed with our study. I took that to mean that he would cooperate with our study and reply to it.

• (1450)

I also put on the record that I shall be putting forward amendments by way of a private bill, or otherwise, if in fact it is determined that they are warranted after our study and if the government is not moving to make changes. I shall take this action in the interests of what I believe to be a long-overdue International Criminal Court.

This court will, by its nature, will be regarded by the entire world as a comprehensive court that will define certain major crimes. If one transgresses, there will be consequences.

This court is long overdue. We waited after the First World War, and we waited after the Nuremberg Trials, and nothing happened. We have waited decades and perhaps centuries. I do not believe that it is warranted to wait any longer.

My difficulty with the minister's position was that he indicated that this would be a model for other countries. In my opinion, as I pointed out to the minister, the way that we handled it, and the lack of good governance within our country to put it through and to give it due diligence in both Houses, is hardly an example for the rest of the world.

What we must do to implement the bill is peculiar to our system and has very little instructive value to other countries. They have different political systems. They need technical assistance and support from Canada through the intergovernmental and parliamentary groupings that we have and through the executive using its good offices to encourage countries to move toward ratification or signing, whichever the case may be.

In this regard, I want to correct the record on my speech at the second reading where I indicated that 100 countries had signed. I have been keeping a weekly watch on the signatures and ratifications. I had been led to believe that there would be 100 by the time I spoke. In fact, there are 98 as of today, with some indication that we shall be over 100 very shortly.

In addition, I was led to believe that 13 countries had ratified. In fact, 12 countries have ratified, and two countries have indicated that they are in the process of depositing the instruments that will complete ratification. Thus, there will be 14 countries that have ratified soon.

I believe that Canada should put forward its legislation as a model. It should put forward its legislation noting that it is one example of how legislation for implementation can take place. I do not believe that we should represent ourselves as having the answers as to how other countries should go forward. I personally have been involved in assisting other countries in their ratification process. It is a complex, delicate issue with legal impediments and political initiatives. We should encourage other countries. However, we should not represent our legislation as the be all and end all, because it is not. It is simply the best effort, I think, at this point.

As the committee has pointed out, the bill needs more work. We shall be part of that process if we set up a committee to do so.

Honourable senators, it is extremely important that we understand that the International Criminal Court will not, of itself, save one life. It will not in any way change the dynamics of poverty and autocratic and oppressive ruleers around the world. However, it will start to build a community of caring.

The Hon. the Speaker: Honourable Senator Andreychuk, I regret to say that your speaking time has expired.

Hon. Dan Hays (Deputy Leader of the Government): I propose that we give leave for a further five minutes.

The Hon. the Speaker: Is it the pleasure of honourable senators to grant leave?

Hon. Senators: Agreed.

Senator Andreychuk: Honourable senators, the international community can ill afford to wait any longer to join a consensus of action that is not ad hoc, but is systematic. It is inappropriate to continue to refer to a Pinochet, and not put the other dictators and repressive leaders into the same camp. I shall not start listing them, but there are many who exist today. We should not be in a position of that kind of selectivity. I believe that a court goes a long way to making us all accountable.

Therefore, I am at this point, reluctantly due to the process, but enthusiastically due to content, in favour of proceeding with third reading.

Senator Prud'homme: Honourable senators, I shall go a bit against the wind. The honourable senator has convinced me that not only the process, but the bill, is bad. The more she spoke, the more I became convinced that what we are doing today is wrong.

Am I correct in that the treaty was signed on July 19, 1998?

Senator Andreychuk: July 17, 1998.

Senator Prud'homme: Thus, I am correct in concluding that the minister had at least since July 18, 1998 to move, and to come and see us to try to convince us of what the honourable senator has just said.

The honourable senator mentioned 100 countries that have signed. Countries may sign, however, that does not mean that they have ratified. Adoption of this kind of treaty requires that 60 countries ratify it. She has told that 14 countries have ratified thus far. I thought that it was 19 countries. We could say that between 14 and 19 countries have ratified.

Given the low number of countries that have ratified, I should see nothing wrong with delaying this bill to gain more information and hear more witnesses. I should have hoped that the House Leader had called Bill C-20, because he expected this bill to move through quickly. It may take all afternoon, and take that time away from Bill C-20. I am in your hands.

Senator Andreychuk: Honourable senators, I do not know if that was a question, but I should like to respond.

It is July 17, 1998 that the signings occurred. This bill on the International Criminal Court is unique. The treaty notes that by signing, a country is obliged to work toward the international court and cooperate with the establishment of it. Therefore, it is somewhat different than the other treaties that have been signed but not ratified. It places an obligation to proceed towards ratification.

Senator Nolin: Normally, ratification is an act of the executive. It is a Royal Prerogative. The executive does not need to come to Parliament to seek authorization.

Why is it being asked for this time? Is it because they are amending laws? If they are, they do not need us to ratify. They could do that tomorrow, or could have done that last week. They could seek amendments to other laws. They do not need us to ratify the treaty.

Senator Andreychuk: The honourable senator is absolutely right in that the executive ratifies the treaty. They could have ratified it, but it would have meant that our laws would be inconsistent with those to which we are agreeing in the International Criminal Court.

Therefore, I think it is a better procedure. I would encourage other governments to use this procedure if it dramatically affects internal law. Other countries should have the implementing legislation going in tandem with the ratification.

The honourable senator will have to address his question regarding the motives of the government to another source.

• (1500)

Hon. Lois M. Wilson: Honourable senators, I should like to speak to this bill as well. I have been involved with it since almost before its inception, when I was chair of the International Centre for Human Rights and Democratic Development in Montreal. We worked on it for about five years previous to this date.

This is not a new idea. It was fully supported by the NGO community in Canada through the churches and other organizations. I must congratulate Canada on making sure that gender was factored into the final bill. There was no other country working that hard on this issue.

Honourable senators, the bill is not perfect, but it is a firm start against international criminals having endless impunity.

Second, this bill represents a quantum leap in international consciousness for the rule of law. Therefore, it is terribly important that Canada say that clearly and firmly.

Third, Bill C-19 is a work in progress. I want to emphasize that. I am glad the committee has recognized that and has added, which I fully support, that they will study the issues and concerns arising from the bill, as well as evolving issues pertaining to the coming into force of the Statute of Rome. The point is that there will be evolving issues and concerns. This is an international issue, not just a Canadian matter. Some countries do not want the bill to pass, who will not even look at ratifying it, who do not want their international criminals prosecuted, and are lobbying very hard to have it defeated.

I am delighted that the Foreign Affairs Committee has said it will study this matter because there will be emerging and evolving issues as the years go on. We need speak to those issues.

As well, one of the jobs that we have to do in Canada is to bring our laws into conformity with the International Criminal Court. That will be quite a job.

Fourth, I am very glad that the sentence in the report referring to the bill serving as a model has been scratched out. I do not believe in models. Canada has played a significant role in facilitating the coming together of countries around this bill. We shall continue to provide technical assistance to developing countries to see them through the difficult parts of this issue. The word "model" was not well chosen.

Finally, I do not feel pushed around. We should pass the bill today, knowing that it is a work in progress. It is long overdue and we cannot risk losing it.

Hon. Jeremiah S. Grafstein: Honourable senators, I am a member of this committee and I should like to speak to some of the issues raised here today.

First, I am in support of this bill. I urged the committee to proceed with it, and with the assistance of the chairman, Senator Andreychuk and others on the committee, we developed a very good model for the Senate to deal with a bill that is in progress and that will bring about very complex changes.

This particular bill moves us to a different track with respect to egregious breaches of international law. It allows us to put ourselves on a fast track and in the forefront of nations prepared to proceed and implement — not just to ratify, but implement — domestic legislation to facilitate that process, so that our laws at home are consonant with the laws abroad. This bill is an important measure in that direction.

There are, however, some flaws. I had the fortune — or the misfortune — of reading this entire bill and following the debates very closely in the other place. I was concerned with the exemption regarding the Pinochet situation, which was amended at the last moment in the other place. Therefore, my own material reservation, which I pointed out to the deputy leader, was resolved in the other place.

There are other imperfections in this bill. Issues have been raised regarding definition, harmonization and drafting. All of these are quite complex. None of them go to the heart of the bill or are fundamental flaws. How far some of these definitions reach and the consequences of some of them are open to serious questions. The minister, when he was asked by myself, Senator Andreychuk and the chairman whether he would facilitate a study, said that he would. He recognized the same process or the same problems as Senators Wilson and Andreychuk have pointed out, that the bill is not perfect but that it contains no fundamental flaws. We are showing leadership.

An honourable senator asked, "Why now? Why not next week or the week after?" Starting this summer, there are a host of the international meetings. I shall go to Bucharest in a week or so to assist our delegation to persuade others in Eastern Europe to encourage their legislatures to move forcefully on ratification and implementation. To go empty-handed to these numerous international meetings this summer would leave Canada talking but not doing. I felt it was important that we move forward with this legislation. I was delighted that the chairman of this committee facilitated a quick hearing to deal with this matter.

There are questions about the bill, but there are a number of ways of solving them. First, the study will allow us to look at this bill carefully in an ongoing study and perfect the bill. There are no questions about that. We shall be able to perfect the bill, but the minister has it within his power to do more. There is a process under the Rome treaty, under international law, where definitions and concerns could be corrected through the Secretary-General of the United Nations through a process which allows for refinement and amendment. That process has already been used in the United Nations at least four times by the Secretary-General to correct the wording of the Rome statute.

The minister knows the concerns. These were pointed out to him, not only in writing but verbally. It is my hope that the minister, who has taken an excellent leadership role on behalf of Canada, will take the additional initiative of starting the process by correcting the wording as pointed out in the testimony in the committee.

The problem is that some of the concerns are confusing. We heard the testimony of Mr. Narvey on behalf the Coalition of Congregations. He had serious concerns with respect to issues of criminalization of the movement of populations. That is an important and definitional issue, a profound issue that has very serious consequences for our friends and those who are not our friends.

Through this complex but appropriate process of studying the bill and having a post-study at the end of the process, the minister will be ready and willing to listen to amendments if we feel there are corrections to be made.

I want to commend all honourable senators for taking the time to focus on this bill. I did read the 500 pages of this treaty and the implementing legislation. It is not happy reading. Trust me, senators, this bill is in very good shape for us to move forward.

Senator Cools: Honourable senators, I shall be very brief. I shall essentially attempt to record some objections to the way in which this entire proposal has proceeded.

Honourable senators, if this bill were so important, it could have been brought forward a couple of weeks ago to receive the proper study and attention from senators that it deserves.

I have not read the bill, but I have read extensively on the formation of this court and on the formation of the International War Crimes Tribunal of which, as you know, Louise Arbour was the Chief Prosecutor.

The bill is condemned by the committee's own report. I am sure other senators have put this fact on the record. The tenth report of the committee expresses great regret that the committee did not have sufficient time, and then it turns around a few lines later and states that the subject matter should be studied for three years. It seems to me that this is an extremely serious matter. The committee report has said that these matters are deserving of study and, in point of fact, matters to which the committee itself did not give sufficient attention. That is very serious and, to my mind, very damning.

I also note that the judgment is still out on the success or failure of the International War Crimes Tribunal in respect of Rwanda and former Yugoslavia. It would have been nice if the committee could have heard from some witnesses who have had involvement with that tribunal. I should have liked the committee, for example, to have heard from Ramsey Clark, former attorney general of the United States of America, a man whom I know. I am quite sure he would have been happy to share his opinions with us. There are a number of Canadian lawyers as well who have been working at the international tribunal in Arusha, Tanzania, and I am sure many of them would have been happy to come and speak to the committee as witnesses.

• (1510)

One of the issues that I have not heard anyone address here today is the importance or the very creation of the International Criminal Court itself and the questions of its jurisdiction. How does it obtain sovereignty and how does it obtain jurisdiction? These questions are bedevilling many of the so-called international lawyers across the world. I should have liked to have asked precisely why the United States of America is not supporting the ICC. I should have liked to have known much more about the relationship between Canada and the United States of America in respect of that additional point.

I also would have liked someone to explain carefully to the Senate why the International Criminal Court has gone outside of the United Nations structure to be created. Many people across the country seem to believe that the ICC is a UN creation or that it will somehow be an agency or arm of the United Nations. However, that is not the case. The ICC is outside the United Nations structure.

These are important questions. They should have been raised before the Foreign Affairs Committee. I think this is an extremely improper and unnecessary way to proceed.

Finally, I have some problems with senators who rise and say here that to study a bill in a minimal way is to delay. First, the bill could just as easily pass in September. There is absolutely no reason why this bill could not come up as the first item when we return in September. Second, somehow or other there should be a structural change in perspectives if we now consider that a minimal study in this chamber or by the Senate is, somehow, a delay. Somehow, we must begin to separate the words "delay" and "Senate study."

Honourable senators, I am happy, honoured, encouraged and optimistic that Minister Axworthy is supportive of the Senate in its study. It will be the first time in the Senate's history that Minister Axworthy has supported the Senate. I have looked forward to that with some eagerness, because Mr. Axworthy has not been shy in articulating to all what he thinks of the Senate. This would be a novel advancement. If nothing else, that may be the one good thing that could come out of this. I just hope that Mr. Axworthy will remember, with some care and some diligence, the commitment from the honourable senator right across the way who is both smiling at me and assuring me of it. Frankly, if such a study were to go ahead, it would be a splendid and wonderful thing, and something to which we could all turn our minds.

Having said that, honourable senators, if this bill is as important as Senator Andreychuk says it is, then the bill could have come forward in a timely way and it could have been given the proper study that it so adequately deserves. There is no reason in the world why it did not get the sort of attention it requires. Those, honourable senators, are questions of legislative management, not questions of substance.

Hon. Douglas Roche: Honourable senators, very briefly, the Rome Statute establishing the International Criminal Court is one of the most important international accomplishments of the post-Cold War era. It raises the world community to a higher level of civilization. The Government of Canada, and particularly the minister, should be commended for the work done to get the International Criminal Court established, not to mention the outstanding work done by Canada's Ambassador Philippe Kirsch, who led the Canadian delegation in the proceedings.

For me, it is unthinkable that this bill would not pass. Of course, I join other senators in protesting the manner in which we have been forced to accept and deal with this bill in a hurried manner — so hurried that my own office did not even receive a notice of the committee hearing that was held yesterday.

Having said that, I must weigh the reason for the hurry on the bill against the diminishment of the role of the Senate. The reason for the hurry on the bill is that Canada must be in a strengthened position to work in the international community for the ratification of the tribunal. The ratification number needed is 60. Much work internationally is to be done, and Canada is in an excellent role in advancing that work.

I must weigh that very strong reason for the hurry on the bill against the poor manner in which the Senate has been asked to

deal with this. I do come down myself on the need of the bill. Thus, I support passage of the bill today, along with the ongoing study that has been recommended.

Hon. Sheila Finestone: Honourable senators, I should like to add my voice of support for this bill. It is now three years that, through the Inter-Parliamentary Union and other of our groups working internationally, we have been promoting the adoption of this bill, which, finally, will see the potential of not allowing people to go unchallenged or untried as a result of war crimes that they have committed.

I could tell you that Minister Axworthy, who has a very fine reputation internationally in the work that he is doing and who is renowned as a result of the work he did for the anti-personnel land mines, is now prepared to put effort and energy, with all of us as his helpers, in the international sphere. Along with that, he has recently appointed Irwin Cotler, from the other place, who is internationally renowned as a human rights lawyer and who knows international law, to enable other countries to move ahead once we have set a model or set the pace by adopting the legislation needed to be able to ratify this procedure, the Rome Statute.

Honourable senators, I urge us to pass the Rome Statute now.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Senator Cools: On division.

Motion agreed to and bill read third time and passed, on division.

BUSINESS OF THE SENATE

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, the next item of government business that I shall call will be Bill C-20. Before doing that, however, I should like leave to make a short statement on house business, as we soon will break for the summer.

You will have heard, perhaps, at the early part of our Order Paper that I had asked for leave to revert to the adjournment motion later this day. I have done so to move a motion. I shall consult with my colleague Senator Kinsella on this later in the day, before I move the motion, but I wished to move a motion that when we adjourn today we adjourn to one o'clock tomorrow rather than our normal sitting time of two o'clock.

I should also like to indicate that I have had discussions with Senator Kinsella, the Deputy Leader of the Opposition, on the matter of the last speakers on Bill C-20. In that regard, I believe we have generally agreed that, at approximately 2:15 tomorrow, we would cooperate to have His Honour see the Leader of the Opposition so that he might speak to Bill C-20.

• (1520)

That would allow approximately 75 minutes prior to the time for putting the motion at 3:30 p.m., following which the bells will ring and the votes will be called at 4:00 p.m. That would allow roughly 40 minutes for the Leader of the Opposition to speak, and approximately 35 minutes for the Leader of the Government to speak.

It may be necessary to sit after Royal Assent tomorrow to look after any business that we have not been able to attend to between 1:00 and 2:15. We shall see the absence of the Leader of the Government early in the afternoon, but hopefully he will be here for Question Period although I cannot guarantee that at this time.

Honourable senators, Senator Kinsella may wish to comment, and I shall be happy to deal with any questions. I shall then call Bill C-20. It was adjourned by Senator Grafstein, but I believe he intends to yield to Senator Pitfield, who will be the first speaker on the bill.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, before passing to Bill C-20, I wonder if the government side has set aside time tomorrow to pay tribute to the Leader of the Government in the Senate in case there is an election in the fall? Tomorrow could well be his last day here. I certainly would not want to miss the occasion to wish him good luck.

Senator Hays: That concern, so typical of Senator Lynch-Staunton, for those of us on this side is much appreciated. Not to worry though, honourable senators, for if, as expected, Senator Boudreau leaves us, I am sure he will return many times as a minister of the other place to share his wisdom, so we can look forward to those occasions. Therefore, I do not believe tributes will be necessary.

Hon. Marcel Prud'homme: Honourable senators, to finish in a very harmonious way, which these last days may lack, why does the Deputy Leader of the Government not tell us exactly what he proposes for the end of the session? Last night I stayed to the very last because I never knew what would come out of the hat. In announcing the bills that the government really wants, I think he will get cooperation if we know in what order they will be called. I should prefer to concentrate totally on Bill C-20, and that is the wish, I am sure, of all honourable senators.

If there are no speakers tonight on this bill then I propose that we be told what order the deputy leader will be following, and the same for tomorrow. There are some bills that particular senators would like to speak on and we can advise, in a sign of cooperation, whether or not we are prepared to speak to a particular bill. What does the deputy leader have in mind until the end?

Senator Hays: Honourable senators, I shall go through the remaining matters under government business. We are looking to see Bill C-27, the parks bill, referred to committee today; Bill C-5, the tourism commission, referred to committee; Bill C-24 on the Excise Tax Act, et cetera, referred to committee.

I spoke to Senator St. Germain and I believe he is ready to speak to Bill S-26. If that is done later this day then I believe that could go to committee. I believe Senator Lynch-Staunton will be speaking to Bill C-37, the pension bill, and that will go to committee. I am not sure whether Senator Rompkey will speak to Bill S-25. That is a summary of what we are hoping to achieve today, Senator Prud'homme. What follows after today is difficult to comment on.

I should point out that from the time frames I have outlined there may not be time for other speakers on Bill C-20 tomorrow. It is therefore important that honourable senators who wish to speak to this bill make every effort to do so today.

Hon. Nicholas W. Taylor: Honourable senators, I have a question. The notice of motion that was given on my behalf yesterday, now on the Order Paper as Item No. 80, is not part of Bill C-20 but was a way for many senators to express their views to the other place on some defects in Bill C-20. That does not mean I want to have it as part of Bill C-20, but I think it almost runs neck and neck with it. Is there a possibility, since we have been jumping all over the Order Paper anyway in the last few days, to get in one or two speeches before 7 or 8 or 9 tonight on Item No. 80 on the Order Paper?

Senator Hays: We shall get to that item, Senator Taylor, although it may be a bit later in the day. Those items that I call at certain times are all government items and our rules allow me, as the deputy leader, to do that. However, I have no ability to do what I believe you are suggesting, and that is to bring your Notice of Motion ahead so it would come after our discussion of Bill C-20. That is a matter for the whole Senate, and requiring leave of the whole Senate. I do not believe it would be appropriate to even ask for leave while we are on government orders because I could not give leave. If the honourable senator wishes to ask after government orders then it will be up to senators to hear his request and to give leave.

Senator Taylor: Thank you. My success in asking for leave from the opposition, particularly as acting Chair from time to time on the Energy Committee, has been abysmal. I have had no success at all, but if you are a Westerner you get into the habit of living in hope, and I might just ask for leave later.

BILL TO GIVE EFFECT TO THE REQUIREMENT FOR CLARITY AS SET OUT IN THE OPINION OF THE SUPREME COURT OF CANADA IN THE QUEBEC SECESSION REFERENCE

THIRD READING—MOTIONS IN AMENDMENT—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Hays, seconded by the Honourable Senator Graham, P.C., for the third reading of Bill C-20, to give effect to the requirement for clarity as set out in the opinion of the Supreme Court of Canada in the Quebec Secession Reference.

And on the motion in amendment of the Honourable Senator Watt, seconded by the Honourable Senator Adams, that Bill C-20 be amended in paragraph six of the Preamble to read as follows:

WHEREAS the Supreme Court of Canada has confirmed that, in Canada, the secession of a province, to be lawful, would require an amendment to the Constitution of Canada, that such an amendment would perforce require negotiations in relation to secession involving at least the governments of all of the provinces and the Government of Canada, **as well as representatives of the aboriginal peoples of Canada, especially those in the province whose government proposed the referendum on secession**, and that those negotiations would be governed by the principles of federalism, democracy, constitutionalism and the rule of law, and the protection of minorities;

and in subclause 3(1) to read as follows:

It is recognized that there is no right under the Constitution of Canada to effect the secession of a province from Canada unilaterally and that, therefore, an amendment to the Constitution of Canada would be required for any province to secede from Canada, which in turn would require negotiations involving at least the governments of all of the provinces and the Government of Canada, **and the representatives of the aboriginal peoples of Canada, especially those in the province whose government proposed the referendum on secession**.

And on the motion in amendment of the Honourable Senator Gauthier, seconded by the Honourable Senator Corbin, that Bill C-20 be not now read a third time but that it be amended.

(a) in clause 1, on page 3, by replacing line 40 with the following:

“resolutions by the Senate, any formal statements or resolutions by the representatives of the English or French linguistic minority population of each province, especially those in the province whose government is proposing the referendum on secession, any formal state-”;

(b) in clause 2, on page 5, by replacing line 2 with the following:

“ate, any formal statements or resolutions by the representatives of the English or French linguistic minority population of each province, especially those

in the province whose government proposed the referendum on secession, any formal statements or resolutions by”.

And on the motion in amendment of the Honourable Senator Joyal, P.C., seconded by the Honourable Senator Grafstein, that Bill C-20 be not now read a third time but that it be amended:

(a) on page 2, by adding the following after line 33:

“1. Subject to this Act, the Government of Canada must act at all times in accordance with the principle that Canada is one and indivisible.”;

(b) in clause 3, on page 5, by adding the following after line 24:

“(2) Where it has been determined, pursuant to section 3, that there has been a clear expression of a will by a clear majority of the population of a province that the province cease to be part of Canada,

(a) the Government of Canada shall consult the population of Canada, by national referendum, about the proposed secession; and

(b) after the national referendum, the Senate and the House of Commons may, by joint resolution, authorize the Government of Canada to enter into negotiations to effect the secession of the province from Canada, subject to the terms and conditions set out in the resolution.”; and

(c) by renumbering clauses 1 to 3 as clauses 2 to 4 and subclause 3(2) as (3), and any cross-references thereto accordingly.

Hon. P. Michael Pitfield: Honourable senators, I am rather overcome. I do not know whether the presence of a podium is a hint I should begin training for the ministry, or perhaps my comments last time were heard in higher places and someone has taken pity on me. I am grateful to him and to you all.

● 1(1530)

It may surprise you to hear that I believe there are a number of reasons to think that when we look back we shall conclude that our discussion on Bill C-20 was one of the most useful we have had in a very long time. First and foremost, in my view, among the positive elements was Senator Joyal's analysis of indivisibility. It brought new life to the discussions. Some people are inclined to dismiss this sort of discussion out of hand as being too theoretical. Why would you want to spend the time of busy people examining the question of indivisibility? How many angels can dance on the head of a pin? However, that is to overlook the key roles of ensuring coherence, consistency and rigour in people's thinking. The committee and its witnesses clearly demonstrated that the government has gone very far in developing a policy of acquiescence and appeasement.

First, for instance, there is Minister Dion's argument in favour of some sort of Royal Prerogative that would permit Ottawa to take Canada apart without any further authority. Second, there is the minister's apparent assumption that the public would stand for that happening, whether they were consulted or not.

Personally, I find this whole approach to be of very doubtful validity. The committee and its witnesses themselves went a long way towards destroying a number of assumptions that overlie these policies.

I found Senator Joyal's dissection of the government's stand in favour of the divisibility of Canada territorially to be a formidable and thought-provoking piece of work. It will be heavily debated, but I am willing to give odds that we have had a major change in the statement of provincial and federal cases for constitutional reform, and that divisibility will be hotly contested.

More important, perhaps, is that one supports divisibility or indivisibility at a considerable cost to one's opportunity to do other things. That is as it should be. We want debates of this kind to turn on issues that really matter to the members, but nonetheless, it is time consuming.

Many will try — in fact, some tried in committee — to scare Canadians away from taking a sternly realistic view of the serious difficulties that the country would risk having to face with another referendum. Clearly, there are some Canadians who still believe that more can be squeezed out of other Canadians.

I am not of that school. To me, the message is not unfriendly, but it is there. We have all sorts of reasons to be confident of our future in a fast-changing world, but there are also increasing signs that people are tired of talking about the Constitution. They think that they have gone as far as they should go and want to move ahead with the development of other subjects. It seems to me we must not overestimate our capacity to hold ourselves together artificially by myths and games and cliques, by the tenuous reconstruction of history along the lines that the government seems inclined to put in place by the direction of its expenditures, the appointment of its supporters, or whatever.

The differences between the positions of Minister Dion and Senator Joyal are clearly there to see, and that is very important. They reflect different fundamental beliefs about social and cultural policy, and inevitably about economic policy, and that is important. They are not entirely theoretical.

Even now, we have the Canadian Alliance party leadership sweating over how it will bridge the differences amongst its own membership. Speak to these players, and one is very quickly and deeply impressed by the different roads our political players, whatever that means, are taking.

One problem is that governments in office do not seem conscious of the extent to which they appear to manage by manipulation and of how objectionable Canadians increasingly find this to be. As a result, the credibility of politics and politicians keeps falling.

There is a widespread sense of general malaise. The message is one of widespread decline. From the fo'c'sle to the bridge, the message goes out as a message of general foreboding, and no answer comes back to the membership.

The vital spot is our institutions, first, because they are what gives the collectivity its capacity to think and coordinate, and second, because in our political system, our institutions, have never been given any special protection other than in a few cases of national defence. We trust that our institutions will prosper, but basically we leave it to luck as to whether or not that will happen, a luck that is founded on our wealth. It has been good luck up until now. We are wrong to believe that we can constantly and boundlessly draw on our institutions and constantly kick them around to the extent that we do.

The government, in Bill C-20, took a cheap shot at the Senate. There is nothing new in that. It implies a general decline in the Senate's mandate. The Senate has, by a series of announcements, been put on notice that the government is going to repeal or change the basis of some of the major institutions of our governmental system. One does not get a sense of this sort of reform until one sits down with the Senate and House of Commons Act and considers what is implied — and it is implied. It is not said openly, but in a snide and shifty manner. No one has stood up to declare a policy or to stand where they think a policy on institutions should go. I frankly believe that there are few members who are all that aware of what we mean for our institutions to be.

• (1540)

The government's intentions have not been declared. They have been left to emerge, as if by chance, as a result of routine public administration. If the public is treated this way, and there is no reason to believe it is not, one must wonder how good our people are at running it.

Very few senators and very few members of Parliament are not **fiercely** aware of the costs that they assume in representing their constituents or in urging the interests of their people in whatever their institutional responsibilities bring them. There is a rich history inside the institutions of our country. I do not believe anyone, in particular the members of the two central houses, fully understands the contribution they make.

It has long been rumoured that the Senate is up for abolition. So be it. That should be weighed against other uses that there might be for the institution.

The Hon. the Speaker *pro tempore*: I regret to interrupt the Honourable Senator Pitfield, but his speaking time has expired. Is the honourable senator asking for leave to continue?

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I propose that Senator Pitfield's speaking time be extended a further 15 minutes.

The Hon. the Speaker *pro tempore*: Honourable senators, is leave granted?

Hon. Senators: Agreed.

Senator Pitfield: I thank honourable senators. I shall not take that long. I apologize; however, I feel strongly about this matter and I should very much like the support of honourable senators.

In a country like Canada, some institutional innovation of dealing with federal-provincial relations could be very important. That has never been tried. If we look at the way in which our government has developed over the past 130 years, we see that the size of the public service element has grown like Topsy. The size of the elected and of the secondary political organization, the Senate, have remained surprisingly constant. It is a question of a number of multiples over what it used to be, but it is not a vast growth.

Mr. Pearson, when he saw this, began his process of broadening the political interface of the government with its representatives to the people. He had a very clear view in his mind of what he thought politicians in the Senate should be and should do. He brought in the Government Organization Act in the late 1970s, which introduced the much larger cabinet and the political secretaries and staffs that later on Mr. Trudeau and his successors acted upon, to advantage, because the essence of the parliamentary system is participation. If we can get participation, then we shall get a self-orienting, largely self-financing mechanism in place to represent the non-bureaucratic political interests.

Given its location, the value of the Senate in terms of the political system must be very great. Its value is going up as the time for such negotiations approaches.

The next question is: Why raise this proposal now, just before substantive negotiations on the Constitution are about to begin? Why do it in this manner — deceitful, shifty and not at all what we would expect of a government confident in its power and proud of its program. There is something strange.

I do not imagine there is any formula in the law more frequently stated in a country like Canada than the one that starts "the Queen, on the advice of the Senate and the House of Commons, has decided thus and so." Now all of this is to be implicitly dismissed.

I cannot believe that the courts will uphold this, either as an interpretation of the law or as acceptable for amending it. Look at it. Go to your offices, honourable senators. Take it off the shelf. Look at the British North America Act and look at the way in which it sets up these institutions. From a technical point of view, they are beautiful.

I cannot believe that the courts will uphold this legislation. I cannot see the courts coming to the conclusion that the Senate can be taken over, that the upper chamber can simply have its duties assumed by the lower chamber. I think that is very doubtful.

Are there to be other such downgradings? Is this to be a precedent for the way in which things are done? What is to be gained if the change is challenged in the courts and lost? Would it not be better to make it the subject of a reference now?

• (1550)

To me, the whole scheme of gradually undermining the Senate in the eyes of the public seems perverse and improper. An officer of the Crown is by law duty bound to serve the Crown and protect its patrimony. How do appointees of one region swear themselves with their oath of office when it comes to supporting this mishmash of conflicting interests?

Are we about to see a whole lot of government appointees sacrifice themselves out of respect for their duty to the Crown? Or, will we stand up and say that oaths of office, accountability, and all the measures that bring about the authenticity of our political system, which make it unique, which plant you and me in a direct relationship with the people of the country, are all a romantic notion?

I cannot believe that we shall see a situation where the federal government would suddenly conclude that an institution such as the one for which we have become responsible by our oaths of office should become an institution that it wants to publicly downgrade. This institution has done nothing but increase in effectiveness and government dependence over the last 130 years.

I wonder if sometimes the government is preparing for a unicameral chamber in our federal system, but then, there are so many reasons against that. What we should be doing is not playing these games. There are too many things to be done. We should be doing our work better. We should help in identifying new ways that we can be helpful.

All of these should be viewed in the context of parliamentary reform. Imagine, as now would be the case, that we go through the whole trial by fire, and at the end of the process, we are in an even worse situation than we were at the beginning. This could easily happen.

Above all, let us make sure that we do not fall victim to our own propaganda. The current Senate is far better than it has been given credit for. It deserves encouragement, not the back of the hand dismissal that it gets from Bill C-20. We must walk tall.

Hon. Senators: Hear, hear!

Hon. Tommy Banks: Honourable senators, it is my misfortune that I follow the Honourable Senator Michael Pitfield. It has been my honour, pleasure, privilege and challenge to be here among you for a total of two months and 18 days. That is the sum total, that is the length, width and breadth of my political experience. I have failed in that time to completely master the intricacies of constitutional law, parliamentary procedure and the niceties of politics. I promise that I shall try to do better in the next two and a half months.

However, I have learned some things. Among them, in listening to the inspired and impassioned debate on all sides of the question, is that this bill is not merely unusual or extraordinary. This bill is unique, and its implications are portentous.

I wish to make clear that I am in favour of the thrust and intent of this bill, and that I had, at the outset when it was my privilege to attend the committee meetings, questions as to its constitutionality and as to its rightness in that respect. I then came to recognize that, having heard Chief Justice Estey and Professor Smith on one side, and Professors Monahan and Magnet on the other side, and having heard others of equal reputation, that I was simply incompetent to make a judgment in respect to the constitutionality of the bill. I shall leave that to people who are better qualified than I.

The other thing that I recognized is that in arriving at the findings that gave rise to this bill, the Supreme Court was answering very specific questions that had been asked of it by the government. These questions had to do with a more or less clear and more or less present threat that arises from time to time in Quebec. The court was careful to confine its answers to those specific questions about Quebec.

Bill C-20 is not about Quebec. It is about every province, and every territory, and every grouping of provinces and territories. It is not about a particularly clear or present threat only. When we pass this into law, which I trust we shall, it will apply to any province our territory at any time. This will be law for a long time from now and in situations that we cannot possibly foresee.

It is not much of a reach, honourable senators, to suggest that in a few years when Newfoundland begins to make contributions to the equalization pot, rather than receiving from it — and if all goes well, that will be the case — that a not always latent separatist attitude might rear its head in that province. I remind honourable senators that my province, Alberta, elected a separatist member not many years ago. Other members of that same party posted respectable returns in that same election. I do not believe that western separatism is out of the question.

I had the opportunity of asking questions of Professor Magnet in the committee. I noted that in two and a half years or five years from now, I have no doubt that the next government will be a Liberal one because people want prudent and good government to continue, but it is not —

Some Hon. Senators: Hear, hear!

Senator Banks: It is not impossible, however, to imagine that that government might be, at some time in the future, a minority government and would face across the aisle in the other place a phalanx of opposition parties, each of which has announced very

clearly that it is in favour of the principle of 50 plus one being sufficient as an indication of the population of a province wishing to separate and begin the negotiations that would lead to that separation.

Professor Magnet was cited here yesterday. The questions that we were asking about constitutionality to those experts on political science, and other things, were answered by them in an academic manner. They were talking about constitutional law.

• (1600)

I asked Professor Magnet a question about a situation, in perhaps two or five years from now or some time in the future, when a minority government may be facing a majority in the aggregate of opposition members across the aisle with a different view that 50 plus 1 is sufficient. Professor Magnet responded:

Thank you for that question. Constitutionally I do not see it that way, but you have raised points of very practical politics and wrapped them in a constitutional blanket.

About the action of the House on Bill C-20, he said:

I cannot see that this binds the government in a way that is constitutionally impermissible, but I think that your point about a differently constituted chamber in the House may well come back to haunt the government. I have some views about that which are not constitutional or legal, but political, and they are really not so different from the view I understand you to be articulating, that being that the government could find itself with a very different breakdown in the other chamber. It could find itself with the Bloc holding a very strange balance and making strange coalitions. This bill may prove to be some difficulty for it.

This is a completely political judgment. Of course, I think that the political conventions are that a government would expect to be able to control what happens in the other chamber. However, the points you are making do suggest all sorts of strange things that could happen that could defeat those expectations, and this bill might not prove helpful in those circumstances. On that political point, I have no disagreement with you.

Honourable senators, my reservation on this bill resides in one single place and only in one single place. That is where the determination is made as to whether there is a significant enough vote in a referendum to justify the commencement of negotiations. In that respect, the bill in its present form, trotted out on this stage before this audience in this particular show with these acrobats and these contortionists and these clowns, is a pony that will perform its trick very well, but, on another stage before another audience, if the acrobats act up or the contortionists get out of line or, God forbid, the clowns go nuts, we may find that the pony has hidden fangs and claws and it might rear up and bite us. We might not also, at that time, have quite so good a master of ceremonies as we have now.

I should like you to focus, if you would, on that single slice of time. It is the action immediately preceding the negotiations and on which those negotiations are conditional and which will propel us into those negotiations. It is a period of time, only about 15 minutes long, when the Commons has determined alone that the question is clear and a referendum has been held and the votes have been counted. Let us assume that the result was a 53 or 54 per cent majority and the province in question has asked the government to begin negotiations that will lead to the dissolution of Canada.

The argument in support of this bill is that the action to be taken by the House of Commons in that time period is just an ordinary, everyday government piece of business, just a resolution that is not fraught with portent — which I think it is.

At that moment, the House of Commons, acting alone, may take a crowbar to a basement door that has been nailed shut for 133 years and oblige a government against its will to pry open that door and propel us all down those stairs into the darkness where no one has ever gone before. There is no light down there. We have never been there and no single person in this house wants ever to go there, but we shall, by that action, if it happens, be propelled into that basement.

Such a propulsion is not impossible to conceive given the vagaries and accidents of electoral politics. I refer to last Saturday and I refer to a few years ago. If anyone had suggested last Friday night to his face that Stockwell Day would finish way out in front of the other contenders he would have laughed that person out of the room. If anyone had suggested to Mr. Mulroney, when he was presiding over the largest parliamentary majority in Canadian history, that two elections hence his glorious party would be reduced to two seats in the Commons everyone would have laughed. The other House is subject to the vagaries and the accidents of electoral politics.

I think, therefore, that on that one determining question, the one that will propel us down the basement stairs, there needs to be — if ever there was a place that it was needed — sober second thought.

How do we achieve that? Many commentators have dismissed an amendment to include the Senate in Bill C-20 in a determining role because such an amendment will be seen as us acting in our own selfish if not churlish interests, but I suggest that there might be an alternative. We might be able to substitute someone else's second thought.

There are precedents that apply as inspiration. One is the 1982 constitutional amending formula. The other is the 1996 Parliament Act, Bill C-110. Those pieces of legislation harness the consent of the provinces. In order to preserve the principle that second thought should be given to a decision that is as loaded down with portent as the one to which I have referred, that is to say, whether we have a sufficiently clear expression of the will of the electorate in a province so as to impel the

commencement of negotiations for the break-up of our country, I ask honourable senators for support for my amendment.

MOTION IN AMENDMENT

Hon. Tommy Banks: Honourable senators, I move:

That Bill C-20 be not now read the third time but that it be amended, in clause 2, on page 5, by adding after line 5 the following:

“(5) The Government of Canada shall not enter into negotiations on the terms on which a province might cease to be a part of Canada if, within 30 days of the House of Commons making a determination that there has been a clear expression of a will by a clear majority of the population of a province that the province cease to be part of Canada pursuant to subsection (1), such negotiations are objected to by at least three of the following:

- (a) Ontario;
- (b) Quebec;
- (c) British Columbia;

(d) two or more of the Atlantic provinces that have, according to the then latest general census, combined populations of at least fifty per cent of the population of all the Atlantic provinces; and

(e) two or more of the Prairie provinces that have, according to the then latest general census, combined populations of at least fifty per cent of the population of all the Prairie provinces.

(6) The following definitions apply in this section.

“Atlantic provinces” means the provinces of Nova Scotia, New Brunswick, Prince Edward Island and Newfoundland.

“Prairie provinces” means the provinces of Manitoba, Saskatchewan and Alberta.”

The Hon. the Speaker *pro tempore*: Honourable Senator Banks, who is your seconder?

Senator Banks: I have not obtained a seconder. I wait for one to volunteer.

Hon. Eymard G. Corbin: I shall second the motion in amendment.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion in amendment?

• (1610)

Hon. Lowell Murray: Honourable senators, would my friend permit a question?

Senator Banks: Yes.

Senator Murray: How does the honourable senator propose that the opinions of these provinces be expressed? His amendment seems to follow a sort of amending formula, but in the amending formula legislatures pronounce. When he refers to "provinces," does he mean provincial legislatures or is he referring only to the executive of the governments of those provinces?

Senator Banks: Honourable senators —

The Hon. the Speaker *pro tempore*: A short answer, please, because the honourable senator's speaking time has expired.

Senator Banks: I do not know. It would likely be different in each province. It would be whoever is in power properly in that province to act. Some provinces require a referendum before the government is able to pronounce on a constitutional question and some provinces might regard this as a constitutional question, although it is not, strictly speaking. I would presume that the executive of each provincial government would be empowered, by virtue of it being the executive, to object. It is important to note that we are not seeking the approval of the province; rather, we are open to their objection to the legislation.

The Hon. the Speaker *pro tempore*: Honourable senators, the time period for questions has expired.

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I propose that we give leave to Senator Banks to extend his time for questions by five minutes.

The Hon. the Speaker *pro tempore*: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Hon. John G. Bryden: Honourable senators, I have a couple of brief points and questions for Senator Banks. One of them is not so much directed to him except that what he has said brings the issue to mind. He made the point that a Parliament configured differently might require the government to negotiate secession where there was only a majority of one in the Parliament or four. I think that is what the honourable senator said. The honourable senator is the first one to say that here, but others have discussed it as well.

As I read Bill C-20, the House of Commons does not require the government to do anything. In fact, it does not have the power to require the government of the day to do anything. If we read clause 2(4), the House of Commons can prohibit the government from entering into negotiations. That is all. The bill is very clear. It states that the Government of Canada shall not

enter into negotiations on the terms on which a province might cease to be part of Canada unless there has been a clear expression of the will by a clear majority.

The Parliament of Canada can express its opinion that the question is totally clear and that, in its opinion, the majority is totally sufficient, but the government does not have to do anything. People will state the intention of the bill. As I understand it, and as former justice Estey made clear, the intention of a bill comes from the words in the bill. The only thing the members of the House of Commons can do is to prohibit. That is what this bill does. Does the honourable senator agree with that? If so, why would this amendment be necessary?

Senator Banks: Honourable senators, if Parliament were to make that consideration, we should not even be having this discussion. However, it is the House of Commons that will make that decision.

I agree that the bill does not, as it stands, legally compel the government to do anything. However, given the thrust and the import with which this bill has been infused by this government, and the reliance that the government places upon this bill, I do not see how this or any other government could possibly wiggle out of commencing negotiations in the circumstances described by my honourable colleague. If the House of Commons determines that there was a clear question and a clear vote, I do not understand how the government would be able to say — and still face itself in the morning — that it would not negotiate. I realize it could, but I think that is unlikely.

Senator Stratton: No.

Senator Bryden: Honourable senators, any number of factors enter into whether the Government of Canada commences negotiations with any province on secession, one of which is specified in the bill and acts as a total prohibition — namely, that there is not a clear question and not a clear majority. However, there can be a clear question and a clear majority. A government that is responsible to the people can say, "Given these factors, we shall not do it." I needed to make that point because I do not know that it has been clearly understood. The positive is not there; it is only a negative. It is a prohibition.

I wish to make another point regarding the comments of Senator Banks. Once again, I am not bringing this home to roost on my colleague. In this chamber, we have managed to take this short bill, which is significant in nature, and to hang a huge number of options on it, whether parliamentary reform or whatever. The comment that makes me rise is that this bill will be law and, given the present configuration, this law will be around for a long time. My comment is: Maybe. The fact is that this bill will be a statute like any other statute that is passed by the two Houses of Parliament and assented to by the Governor General. We could come back here in the fall and propose an amendment to this bill. We could come back here in the fall and propose a bill to repeal this bill. It is a statute like any other statute.

Honourable senators, we have an unfortunate ability in this house to sometimes take a bill that is quite clear regarding one principle and make it into a clothes rack on which we can hang all of the things that are good, bad or indifferent about our system of government and our institutions.

Some Hon. Senators: Speech!

Senator Bryden: No, honourable senators, this is not a speech. I am permitted to ask a question and to make a comment. My comment is the following: Let us not make this bill do more than it is intended to do or to turn it into some sort of constitutional document written in stone when in reality it is a statute that can be amended.

Senator Banks: Honourable senators, Senator Bryden is right. This is a duck, but it is the biggest duck! It is not a duck like any other duck. This is the monster duck of all time, but it is a duck.

Senator Bryden: If it walks like a duck and quacks like a duck, then it is a duck!

Senator Banks: If Senator Bryden honestly believes that any government could decide not to negotiate in the event of the Commons having determined that the question was fair, a vote having been taken and the Commons having determined that the vote was sufficient, then the honourable senator is right and I am wrong. However, I differ from the honourable senator in that respect.

• (1620)

Hon. Jeremiah S. Grafstein: Honourable senators, here we are in Ottawa, on the eve of the 133rd birthday of Confederation, and the reach of the North America Act, our Constitution of 1867 as mended by the addition of the Charter of Rights and Freedoms when the Constitution was bought home in 1982, is alive and kicking. The words of the Confederation debates — I repeat, the Confederation debates — echo in this chamber these last few weeks. One people, one nation, one country under law — so said Sir John A. Macdonald and repeated endlessly by every prime minister from his time to ours.

Honourable senators, here we are met to debate a most significant bill. Bill C-20, the clarity bill reaches, as virtually all senators have said, to the very heart of our body politic — the unity of Canada.

Let me congratulate the Chairman of the Standing Senate Committee on Legal and Constitutional Affairs who sat as a government nominee on this special committee. She raised for me a serious concern that gave us all pause for reflection, a central issue that lies at the very core of this debate — the

senator's oath of office, as Senator Pitfield alluded to in his speech, and hence the nature of the Senate itself in our federal bicameral system of governance. The Chairman of the Special Committee argued that her reading of the oath of office was to defend Canada, not the Senate. May I most humbly and respectfully disagree. The oath is more complex. I believe our oath requires more. Each senator, when appointed, takes the oath of allegiance to the Crown before the Speaker. The honourable senator argues, on her reading of the proclamation of her appointment, that she is to render "advice and assistance...in all weighty affairs which may concern the state and the defence of Canada."

I believe the Senate oath of office serves to remind senators of the serious fiduciary obligations, duties and responsibilities — duties as legislators, as law makers — to uphold our legal order by legal means, by the rule of law. Of necessity, "legal means" include defending the powers of the Senate from unconstitutional impairment, dilution or encroachment.

The Supreme Court has repeatedly stated that it holds as one of its paramount duties to defend the court's judicial independence. The Senate has no less duty to defend its legal and constitutional powers. Can any authority in this Parliament or in any other Parliament offend the constitutional order except by constitutional means?

There is a great confusion in this chamber over the reach of the 1998 Supreme Court reference. Why is this so? Let me briefly retrace the beginnings of Confederation.

The BNA Act was like Bill C-20, a simple bill of Parliament, in this case the English Parliament. Yet it was much more. It contained the constitutional framework of the Canadian governments that remains alive in our amended Constitution today. The Fathers of Confederation came together from the three regions of Canada — Upper Canada, Lower Canada, and the Maritimes — and they constructed a stronger, less fragile central governance than the United States, which, at that very time, faced the horrors of the American Civil War. American sovereign states were pitted against one another, each arguing sovereignty. Therefore, confronted by that bitter experience, our Fathers of Confederation carefully built a more indestructible, indissoluble union, stronger than a federal union, a confederal union.

They started with a strong bicameral federal Parliament. Provinces became creatures of Parliament by our Act of Union. The Crown deposited plenary powers in the federal government and then certain powers were horizontally divided, allocating local and specific powers exclusively to the provinces. This horizontal division of exclusive powers was clearly spelled out in section 91 and section 92 of the BNA Act. The federal power was granted strong residual powers under the rubric of "peace, order and good government." Added to these plenary powers were the overarching powers to override aberrant provincial legislation through the powers of disallowance and reservation. Sixty-eight times since Confederation those powers were used. Perhaps more.

To check the federal executive, all federal power to legislate was divided equally between the Senate and the House of Commons, with the question of confidence in money bills left ultimately to the Commons, consonant with the traditions of the mother Parliament in England. Both chambers were to draw on different sources of popular support. The Senate was granted equal representation from each of the regions, with secure appointment, while the Commons representation was based upon popular support in individual ridings. Two majorities were crafted by the Fathers of Confederation, one based on the equality of the regions and the other based on representation by population in the Commons: one to remain stable and equal, and the other to grow in size with the growth of the population.

Throughout the decades, as the former Supreme Court justice Mr. Estey pointed out before our hearings, our courts jealously guarded the division of powers between the federal and provincial players, and, as forcefully, had protected, as he pointed out, the equality of powers between the Senate and Commons to legislate as a check on the most powerful executive. That, honourable senators, is why Canada's existing constitutional structure order is indivisible. Sovereignty was shared between the Crown in the right of Canada and the Crown in the right of provinces. Can this be changed? The Fathers of Confederation ingeniously constructed an explicit and intricate, flexible, power-sharing structure in the belief that the Canadian union could not, like the United States, be ripped asunder. The undivided sovereignty of the Crown clearly and ultimately rests with the people. This was the organizing idea that animated the Charter of Rights and Freedoms when it became the law of the land when incorporated into our Constitution in 1982. Governments were not above the law, but the people were sovereign.

Of course, extraordinary change can be brought about but only by the express will of "the consent of all Canadians." In the Supreme Court reference the court opined — and it was an opinion, not a judgment — that:

The consent of the governed is a value that is basic to our understanding of a free and democratic society.

The court went on to say:

Yet democracy in any real sense cannot exist without the Rule of Law.

Honourable senators, it could not be otherwise. What precedents can be offered? Shortly after Confederation, on a clear question and a clear majority, the Province of Nova Scotia, led by the Honourable Joseph Howe, expressed its desire to separate from Canada. A petition was made to the English Parliament, then the repository of our amending process. The English Parliament said no to the petition. Such separation could not take place without the consent of the other parties, being the federal Parliament and the other provinces. The Canadian union was not severable by one province.

The Australian precedent was more recent and equally compelling. In 1933, the Western State of Australia, on a clear

question and a clear majority, voted to separate from the other states of Australia. Again, a petition was made to the Parliament of England, which held their amending process. The English Parliament declared that separation could only take place on a clear vote of the peoples of all the Australian states, not just the votes of the petitioning state. The sovereign will, they said, rested not with the federal cabinet or the federal Parliament but with all the people.

Now, honourable senators, we are faced with the Supreme Court reference of 1998. There are no explicit provisions for separation in our Constitution. The Supreme Court was not questioned directly on that issue. Instead, two rather narrow legal questions were asked. Could the Province of Quebec separate under international law or domestic law by a unilateral declaration of independence based on the international principles of self-determination? The Supreme Court's opinion answered a resounding "no" to both questions. The court could do no other. The court, faced with the express provisions in our Constitution, could not of its own, establish a legal constitutional right to secession. It recognized that such an opinion would be reaching beyond the explicit provisions of the Constitution. To dismantle or to dismember the constitutional order would require more. All the constitutional actors, all the people, would have to agree.

• (1630)

The source of all sovereignty, the will of all the people, of necessity would have to consent. One senator argued that the Supreme Court opined that on a clear question and a clear majority, all actions solely within the confines of one province under one provincial government could of itself create a legal, constitutional binding right of that province and a constitutional binding legal obligation in Canada to negotiate secession — to negotiate the dismemberment of Canada.

How could the court create such a binding, legal, enforceable constitutional right and duty absent the express provisions of the Constitution?

Let me turn, honourable senators, to the Senate's powers found in sections 17 and 18 of the Constitution. Legislation, law making, requires both the Houses of Parliament and the Royal Assent, as Senator Pitfield mentioned. What is the product asked in this bill? It is for one house to decide the nature of the clear question and the nature of a clear majority. It is simple but complex. Is this decision, this binding order, this binding resolution, in pith and substance a legislative matter, a law that could trigger the chasm of secession, or is it merely, as some witnesses supporting the government's position suggested, a delegable, administrative matter? Can the cabinet fetter its broad plenary Royal Prerogative by choosing a binding resolution of only one house of Parliament? Mr. Estey, for one, said no. This smacks more of "law" than anything else, he said. Once the cabinet chose only one house of Parliament, must it not use both? This is our bicameral system. Did the cabinet choose one house when requiring a determination of national emergency? Did the cabinet choose one house when determining the declaration of war? No, of course not. It could not.

What, then, should be the role of the Senate in the clarity bill? All agree Bill C-20 is an extraordinary measure. All agree it could trigger the path to secession. All witnesses before the committee, save one, agreed that there was no constitutional inhibition or barrier for the Senate to equally participate, because of its inherent powers within the Constitution, in the clarity bill with the Commons. All witnesses supporting the minister said it might be "awkward," but no witness save one argued that there was any inhibition or constitutional barrier for the Senate to equally participate with the House. Only one disagreed: the minister. I shall not repeat the minister's labyrinth arguments. Honourable senators have heard them all before. One turns to the evidence to find the learned witnesses sharply divided. There was no overwhelming evidence to support the government case. Every senator that sat in those hearings recognized there was no overwhelming, weighty evidence to support the government's case. When we parse through the evidence, we find that the learned witnesses were sharply divided on whether or not, by excluding the Senate, the bill would be constitutionally flawed.

I, honourable senators, am a lawyer, and I prefer the experience and the weight of evidence led by former justice Estey who stated that, "under our bicameral system, to exclude the Senate would be unconstitutional." I prefer the Laskin-Estey school of legal doctrine. Mr. Estey wondered aloud why, if a minister had such a clear highway under section 18 of the Constitution, he chose a gravel road full of bumps and grinds to exclude the Senate? Why take such a gamble? Why take such a risk? Why roll the dice? What if, in the crucial moment, the clarity bill is found to be constitutionally suspect?

The Hon. the Speaker *pro tempore*: Honourable Senator Grafstein, your speaking time has expired. Are you asking leave to continue?

Senator Grafstein: Yes.

The Hon. the Speaker *pro tempore*: Is leave granted?

Senator Hays: I propose we give Senator Grafstein leave to proceed for a further 10 minutes.

The Hon. the Speaker *pro tempore*: Is leave granted?

Hon. Senators: Agreed.

Senator Grafstein: I thank you, honourable senators.

I ask again, as Mr. Estey intimated, why take such a gamble? Why take such a risk? Why roll the dice? What if, in the crucial

moment, the clarity bill is found to be constitutionally suspect, as Senator Pitfield has pointed out, as opposed to being constitutionally sound? What then could be the disastrous consequences?

I have said from the outset that I am a strong advocate of this measure. I advocate the objectives of the clarity bill. We need clear rules of the road. Perforce we have to ensure that those rules of the road are constitutionally correct. We need a perfect, bullet-proof bill. We need constitutional rules, not arbitrary rules that detract from our long-established legislative practices under our constitutional order that for 133 years has stood Canada in such good stead.

Hence, honourable senators, I move an amendment which allows the Senate to participate equally in a joint resolution on the two questions in the bill. Some senators will say that this will give the Senate powers it does not already have, or by excluding the Senate its powers remain intact. This logic I simply cannot follow. Either the Senate has the inherent power or it does not. Thus, I urge you, honourable senators, to read and reread, as I did this past weekend, the parliamentary debates on Confederation, and more specifically, the Right Honourable Sir John A. Macdonald, who anticipated exactly this question. He envisioned a profound clash between the popularly elected house and the second chamber, the Senate, the chamber of second sober thought. He anticipated such clashes. He argued that such profound clashes would be of paramount importance in the common, national interest of a stronger union.

Of course, honourable senators, the executive always has an escape valve. We have not talked about that. It has an escape valve, and I thank Senator Beaudoin for again drawing this to my attention. The executive could always swamp the Senate with the appointment of up to eight additional senators to avoid deadlock under section 26 of the Constitution. It has a safety valve, so there is no such thing as a deadlock or veto.

I ask honourable senators to carefully and deeply reflect. Would the Senate, recognizing the profound importance and urgent threat of Canada's dismemberment, act in any way arbitrary? Rather, would not the Senate carefully navigate its way in order to fulfil each senator's responsibilities and uphold the constitutional order, the law of the land, and recognize that any change can only be supported by constitutional means and the rule of law that we so devoutly serve? Would the Senate use its majority to arbitrarily block a resolution that would both represent the clear and profound, not transitory, popular will and the country's interests?

Honourable senators, ask yourself this question: If the Senate was designed to act as a bulwark against the political whims of the day, arbitrary laws, shifting gusts of public opinion, if the Senate has rightfully been called to answer on all mighty questions of the day, national emergencies and declarations of war, how can the Senate be relegated or relegate itself to spectator status on the mighty questions that would lead to the very dismantling of Canada? I cannot agree.

The fate of the Senate, honourable senators, as former justice Estey points out, rests in our own hands. If we weaken our powers and relegate ourselves to advisory or observer status, which was not what the Fathers of Confederation expressly had in mind, we would derogate from the Constitution and weaken the careful checks and balances of federalism and confederalism within our Parliament. I humbly seek your support for this modest amendment to restore the Senate's lawful and most carefully exercised powers. We have exercised, since Confederation, our powers with care. The Supreme Court reference opined that any constitutional change requires

...a continuous process of discussion and evaluation which is reflected in the Constitutional right of each participant to the Federation to initiate Constitutional change.

Only three political actors have a legal right to initiate constitutional amendments: the provinces, the Senate, and the Commons. How, then, can one argue that the Senate could and should be excluded on any constitutional process that could lead to the dismantling of Canada? The Senate has always been and is entitled to be there with its full constitutional powers at the beginning, at the middle, and at the end of any constitutional process.

• (1640)

Finally, honourable senators, as Senator Banks pointed out, there is a real and present danger to our constitutional order. I ask honourable senators to think about when the clarity bill would be deployed. Senators from Quebec, I ask you to reflect on this question: When would the clarity bill be deployed? Would it be when the federal government holds a strong and overwhelming majority in Parliament? No. Only when Parliament is weak and fragmented, as Senator Banks points out. The masters in Quebec have told us that they would not move toward secession, unless there are winning conditions. A weak fragmented Parliament, a minority **Parliament**, would set the stage for those winning conditions. **Then, a strong and unified Senate**, only interested in the national **interest**, **only interested in the country** as a whole, will emerge as a **constitutional safeguard**. **This is exactly what the Fathers of Confederation envisaged.**

Think again, honourable senators. Today, in the newspapers, we can see an unholy alliance of strong voices from the West, from my province of Ontario and from the province of Quebec that are united in one cause — to dismantle the federal powers, to weaken and degrade the federal government from within. They will come to Ottawa to weaken the federal powers from within. The Senate was created precisely to stand for a strong and united Canada — one people, one nation, one country under the rule of law.

Honourable senators, I respectfully ask for your support for my amendment to restore the Senate to its full powers.

MOTION IN AMENDMENT

Hon. Jeremiah S. Grafstein: Therefore, honourable senators, I move, seconded by Senator Joyal:

That Bill C-20 be not now read a third time, but that it be amended

(a) in clause 1,

(i) on page 2,

(A) by replacing line 34 with the following:

"1. (1) The Senate and the House of Commons shall, within", and

(B) by replacing lines 40 and 41 with the following:

"Canada, consider the question and, by joint resolution, set out their determination on whether the",

(ii) on page 3,

(A) by replacing line 7 with the following:

"dum question, the Senate and the House of Commons shall",

(B) by replacing line 32 with the following:

"dum question, the Senate and the House of Commons shall",

(C) by replacing lines 40 and 41 with the following:

"resolutions by the representatives of", and

(D) by replacing line 45 with the following:

"any other views they consider to be relevant", and

(iii) on page 4, by replacing line 4 with the following:

"the Senate and the House of Commons determine, pursuant"; and

(b) in clause 2,

(i) on page 4,

(A) by replacing lines 15 to 18 with the following:

"Canada, the Senate and the House of Commons shall, except where they have determined pursuant to section 1 that a referendum question is not clear, consider and, by joint resolution, set out their deter-",

(B) by replacing line 27 with the following:

“province cease to be part of Canada, the Senate and the House”,

(C) by replacing lines 33 and 34 with the following:

“(c) any other matters or circumstances they consider to be relevant.”, and

(D) by replacing line 38 with the following:

“province cease to be part of Canada, the Senate and the House”, and

(ii) on page 5,

(A) by replacing lines 1 and 2 with the following:

“formal statements or resolutions by”,

(B) by replacing line 6 with the following:

“on secession, and any other views they consider”, and

(C) by replacing line 11 with the following:

“unless the Senate and the House of Commons determine.”,

My amendment is in both French and English. Essentially, honourable senators, it requires a joint resolution of both Houses for the trigger mechanism in Bill C-20 to be activated.

Some Hon. Senators: Hear, hear!

[Translation]

Hon. Gérald-A. Beaudoin: Honourable senators, I wish to support the amendment put forward by my colleague Senator Grafstein.

The clarity bill stipulates that it is up to the House of Commons, and only the House of Commons, to determine whether the question is clear and whether the referendum result is clear. The House of Commons must then tell the government whether or not to negotiate. The Senate, in this respect, has an advisory role only.

Bill C-20 provides that the House of Commons shall decide on the clarity of the question within thirty days after it is tabled in the legislative assembly of the province concerned.

[English]

Some people say that the delay of 30 days is so short that it is a valid reason to exclude the Senate. This argument is

ill-founded. If the House of Commons, with 301 members, may do it in time, then why not the Senate with only 105 senators? I shall come back to the question of the joint resolution.

The minister and some officials explain the exclusion of the Senate by the fact that the vote of confidence is taken only in the House of Commons. This is true. The principle of responsible government comes from the conventions of the Constitution. It is unwritten, but it is part of the Constitution.

[Translation]

It is true that confidence is not the sole prerogative of the House of Commons. However, Bill C-20 has nothing to do with the principle of the vote of confidence. It is a constitutional convention that has existed since 1847 in Quebec and Ontario, and since 1846 in Nova Scotia. It exists as such. Whether or not there is a Bill C-20, this convention can always be enforced. The federal executive arm is at all times subject to a vote of confidence by the House of Commons.

As for the Senate, and this is my main point, Bill C-20 assigns it a marginal role, that of merely being consulted. This is where the problem lies. This is contrary to the legislative equality of both houses in our bicameral Canadian parliamentary system.

[English]

In Canada, as in the United States, and in many other modern democracies, the courts of last resort attach the greatest importance to the Constitution and, in their interpretation, they refer to the intention of the Fathers of Confederation or the framers of the Constitution.

Sir John A. Macdonald and Sir George-Étienne Cartier, as it appears clearly in the debates on Confederation, have enshrined in the House of Commons the principle of representation by population. In the upper house, our house, the house of sober second thought, they have enshrined the principle of a regional Senate or a divisional Senate. In 1867, it was 24 senators from Ontario, 24 from Quebec, 24 from Atlantic Canada; and after 1867, 24 from the West, Newfoundland being an exception in 1949, with six senators. The three territories obtained one senator each.

[Translation]

By voting in favour of Bill C-20, the Senate is excluding itself from the process of adopting a resolution on the clarity of the question and the clarity of the referendum outcome.

[English]

We are invited to vote in favour of our exclusion.

[Translation]

• (1650)

The Senate, which has admirably acquitted itself of improving legislation over the years, must be able to fulfil its role and to pass a resolution indicating its decision on the clarity of the question and the clarity of the referendum results, on equal footing with the House of Commons. This is the intent of the fundamental principles of Canadian bicameralism. Yet our Parliament is, by assigning legislative power to a single chamber, working against the legislative equality of the two Houses.

[English]

In the legislative field, the two houses are equal. In the sphere of constitutional amendments, however, the Senate has a suspensive veto only. Section 47 of the Constitution Act of 1982 says so, but section 47 was adopted by a constitutional amendment, not by an ordinary statute. Here, we are not concerned with a vote of confidence at all. We are not concerned with a money bill. We are not concerned with a constitutional amendment. We are concerned with the bill, an ordinary statute.

The Senate is certainly a political actor in the sense referred to in the advisory opinion of the Supreme Court on the secession of Quebec, 1998. The court, in that advisory opinion, used the words "political actor" many times.

Honourable senators, the Senate is regional. It is not only a legislative house, which is already something very important, but it is also the protector of the regions in our federal system.

[Translation]

Neglecting to put the Senate on the same footing as the House of Commons constitutes a direct contravention of Canadian bicameralism, which is entrenched in the Constitution.

[English]

If the Senate does not fight for its rights and prerogatives, which institution will? Some say that the executive branch of the state has the power to negotiate secession without Bill C-20. Yes, that is true. We may ask why the government has introduced Bill C-20. It is a choice. The government has the power to do it, but the moment the government selects the legislative path, the government must follow the principle of equality of the two Houses.

We must distinguish between the legislative field and the constitutional field. We should avoid such confusion, and some experts did not make that distinction all the time.

[Translation]

During hearings of the special committee, we heard experts say that Bill C-20 did not interfere with the powers and privileges of the Senate. This opinion is not shared by professors

Garant and Smith, by Claude Ryan, or by former Supreme Court judge Willard Estey.

During his appearance on May 29, Professor Garant told the committee:

It is not correct to consider that it will up to the elected representatives to determine the content of the question, because the Supreme Court said that it will be up to political actors.

On June 15, Professor Smith had this to say:

[English]

I cannot think of anything more basic than the future of the country. It requires, it seems to me, the broadest and most informed opinion. Therefore, in a sense, to amputate one of the houses is not in the interests of the public for the future.

[Translation]

Claude Ryan agreed and said:

...in my opinion, the federal government is wrong to try to reduce the role of the Senate in examining the two principle subject matters of Bill C-20...It would seem bizarre, to say the least, for the drafters of Bill C-20 to give the impression that they want to substantially reduce its role in examining the subject matters addressed by Bill C-20.

Finally, former judge Estey is of the same opinion:

[English]

How is it that Bill C-20 has survived its unconstitutionality when it has effectively and indirectly undermined the concept of a bicameral Parliament? Bill C-20 has put one half of the bicameral power in the invidious position of losing its status in the general operations planned in this bill the moment that this body, the Senate, signs the proposed legislation.

If our Senate accepts its exclusion and if Bill C-20 is adopted as it is, it means that further federal statutes may follow the same pattern. After a while, the powers of the Senate will be considerably reduced.

[Translation]

Rarely in its history will the Senate have had such a wonderful opportunity to justify its existence and its vital role in the Canadian parliamentary system.

[English]

The proposed amendment uses the terminology of a "joint resolution." This is of the utmost importance. We are then avoiding a clash between the two Houses.

The powers of the Senate and the House of Commons come from the written Constitution and from the conventions of the Constitution, which are unwritten. However, both are part of the Constitution.

Some people affirm that we have precedents for the inequality of the two Houses. They are apparently minor. In any case, it is time to stop the process and to act in conformity with the principle of the equality of the two Houses.

Honourable senators, few authors and few academics have given to the legislative branch of the state the attention it deserves.

If we want to reduce the power of the Senate, we have to do it by the appropriate formula of amendment and not by an ordinary statute as Bill C-20.

In conclusion, I must say that I refuse to accept an erosion of our powers. We shall keep our powers intact. This may be our final hour.

Some Hon. Senators: Hear, hear!

Hon. Nicholas W. Taylor: Honourable senators, this is the first time that I have spoken on Bill C-20, in case other senators think I am speaking twice. The last time I spoke was on second reading. At that time, I anticipated what was to happen later in committee by saying that it was a bad bill and that it struck at Senate the notion of bicameralism.

• (1700)

A number of things have happened since those days. The committee has held its hearings. We heard from the experts. It has been my experience in business that, if you pay people, you can always get the opinion you want. However, in this case the experts came for free and gave opposite opinions. That was intriguing indeed.

There seem to be five areas in which people want to amend Bill C-20: invisibility; national referendum; bicameralism; minority official language; and aboriginal rights, all of which have been eloquently debated. I believe that every one of these issues is valid. I tried to deal with three of the five in a motion which may be debated later today that almost censures the executive for leaving out minority official language, aboriginal rights, and bicameralism.

I placed that motion on the Order Paper recently because I believe that, although amendments proposed to Bill C-20, though well argued, may not pass, my motion definitely could. I left out

of the motion the issues of indivisibility and national referendum, which may be covered later.

Almost everyone seems to be in favour of the bill, but most people want it amended to make it better and more effective. Those are legitimate positions. I should have considered supporting amendments, but I came up with an alternative in the last few weeks.

The political climate in Canada has changed. Being an Albertan, I have been right in the middle of it. Stockwell Day was Leader of the Government in the provincial legislature when I was Leader of the Opposition there. For two years, we worked together opposite one another. I should not say that I know Mr. Day better than anyone else, but I know him fairly well.

I think that we have to look at this issue politically. If this bill were amended and sent back to the House of Commons in the fall, it would not go back to the House of Commons that passed it initially. It would go back to a House of Commons that most likely will have a new leader of the opposition. This new leader, who has shown no great love for national powers or the Senate, will have the opportunity to give us a good kick in the shins. I have concluded that we do not have much choice other than to support the bill as is, in order to ensure that there is no way in which the new leader of the opposition will be able to do that.

Hon. Senators: Oh, oh!

Senator Taylor: I hear rumblings from the other side.

Senator Lynch-Staunton: No wonder you never got elected.

Senator Taylor: When you point your finger at them, they growl. When you shake their chain, they start barking.

The fact is that an amended bill would go back to a House with a different leader of the opposition this fall, and that would reopen the whole case. I have heard time and again from both sides of the House that Bill C-20 is a step in the right direction, but not a big enough step. If you argue that, you must support Bill C-20, because amending it accomplishes nothing. Amending it would put Stockwell Day back in the harness. I know that Stockwell Day once said, "Let Quebec go." God knows what he will think next year. I used to call him the Elmer Gantry of the Tory Party. One never knows which violin he will play in the fall.

I can assure you that, if Bill C-20 is returned amended, it will not be simply passed. Mr. Day will have a trick up his sleeve. He will use it as a lever for something.

Therefore, although I should like to see the bill amended, the time to make all these changes is in the fall when we already have the platform of Bill C-20 to work from. It would be very difficult to put Bill C-20 in place this autumn or winter if the Leader of the Opposition in the House of Commons is arguing something entirely different, or if there is an election in the meantime. If there is an election before the House resumes in the fall, Bill C-20 will be lost.

I say to all honourable senators that those are two good reasons for doing this incrementally. We can have our cake and eat it, too, if we take our time and not try to overhaul the bill. We cannot make five amendments to the bill all at once, but we could make them one by one this fall and winter, regardless of what government is in power or whether there is a minority government.

If we try to amend the bill now, Bill C-20 will not come into force until the House of Commons resumes, and at that time it will be a different House of Commons. Stockwell Day has no intention of retaining the status quo. He will be looking very carefully for hand holds. He listens to what his party says, and he will have some schemes and ideas. We shall be playing into his hands if we amend this bill and send it back. That will give him the opportunity to open up the entire issue.

Hon. Pierre Claude Nolin: Honourable senators, is Senator Taylor entirely convinced that his government will lose its majority during this summer?

Senator Taylor: It is possible. Not everyone in this country is smart. Don't forget that I spent 14 years as an opposition leader trying to get into government. I know that the public can be very capricious.

Senator Nolin: Is Senator Taylor saying that if Stockwell Day becomes the leader of the Alliance Party, he can influence the Liberal government not to adopt the amended bill?

Senator Taylor: It is not a question of whether he will adopt the amended bill. My point is that, if it is sent back to the House of Commons, it will be subject to debate. What tactics he will use from then on, I do not know. We would stand a chance of losing Bill C-20, because the margin was not that large. Stockwell Day, as leader of the opposition, with the support of the Bloc, would have a substantial toe hold. I certainly think he can make it impossible to pass the amended bill.

[Translation]

Hon. Marcel Prud'homme: Does Senator Taylor, as a man who has always defended the Senate, come hell or high water, in a province that is not all that sympathetic to it, not consider his attitude today the greatest miraculous conversion since St. Paul's on the road to Damascus? He is denying everything he has ever said about the Senate in one of the least pro-Senate of provinces, which would explain the general amazement at this time.

[English]

• (1710)

I am sure that Senator Taylor will understand my friendly reaction to his comments. There are those of us who look at him as a champion, ready to go against the wind, including in his province, where, if I remember, I campaigned for him 27 years ago. Does Senator Taylor not realize that he has always stood up for the two houses? For him to suddenly deny the honour to at least defend the Senate is rather difficult for me to understand.

Since his time has not expired, would Senator Taylor please take a few minutes to give me his explanation, as I once asked Senator Fraser, as to why we came to the Senate and what the Senate is all about for him?

Senator Taylor: I thank the honourable senator for his question. I am still in the corner defending the Senate.

Senator Prud'homme recited the biblical story of St. Paul falling off his mule on the way to Damascus. We might also look to the story of the Athenians fighting the Spartans, where it was said that he who runs away lives to fight another day.

My point is this: I want to defend the Senate, but I think we lose the opportunity to do so by trying, as the old farmer used to say, to give one bale of hay to the horse, maybe two, but five all at once and the horse will choke. We are trying to put through five amendments, and I think most of them are good. I also think the bill is weak but it is not lousy.

If honourable senators had followed my recommendations at second reading and returned the bill to the House of Commons at that time, we should have had a chance to change it. The House of Commons has now adjourned for the summer. We may have a new Leader of the Opposition in the fall, unless there is a whole new miracle in the sky. I say that we can address this issue incrementally by first getting this bill through and then changing it after Parliament has returned. However, if we try to send this bill back to that mixed up House, where nobody knows what is going on, we shall not get anywhere.

Honourable senators, there is one thing of which I am sure, and that is that I doubt very much it will be a Tory leader of the opposition when we return.

Hon. Anne C. Cools: Honourable senators, I rise to speak to Bill C-20. At the second reading vote of Bill C-20 I abstained, reserving my judgment, giving the government ample opportunity to hear and heed the concerns of Liberal senators. The government has declined to improve the bill. I am disappointed in the government's unrelenting intransigence. I am disappointed in the government's wanton disregard of Liberal senators.

Honourable senators, I shall speak as a Liberal from Ontario who was influenced, as was Sir Wilfrid Laurier, by classical 19th century British Liberals, including Britain's great Liberal Prime Minister William Ewart Gladstone and others. I shall also speak as a black woman, the senior female of the Liberal caucus and the first black member of the Liberal caucus. I understand, as do mature and experienced public men and women, that when human beings come together in assemblies, their strengths and ideals are assembled, but so too are their weaknesses and prejudices. These weaknesses include racial and regional prejudices, male and female jealousies, and personal vanities. St. Augustine described some of these vanities the *libido dominandi*, the lust for power. In deference to political and party loyalty and to the high goal of civic and public service, I have abided some bigotries and have done so without public comment or criticism. I have protected my side, the Liberal Party, nobly in this regard. I have been described by some Liberals unflatteringly by many descriptors not excluding such terms as "that black bitch." For myself, I have borne much in the name of party loyalty and public service. I believe that the goal of public service is greater than any personal hurts and injuries. However, I must articulate that the greatest personal and racial slight offered to me to date has been my exclusion from the special committee on the study of Bill C-20. I view that exclusion as apartheid, and I condemn it yet again. I shall name it "Stéphane Dion's apartheid."

Honourable senators, for the study of Bill C-20, I offered the government my force of personality, conviction and intelligence. In addition, I offered my length of caucus service, my seniority in caucus, and my considerable personal public support. All of these were unwanted by my side. My side did not want or need what I had to offer. It seems my side wanted and demanded weakness from me. That was something I could not give. I could not offer that, honourable senators; I could not offer weakness. Minister Stéphane Dion does not seem to know the difference between party loyalty and character weakness. He is also unlearned in liberalism, in Liberal Party history, and in Liberal Party principles. He is especially unlearned in the human relations that are necessary to the maintenance of a political party and a party caucus.

Honourable senators, throughout this debate I have maintained consistently that the first duty of a government, a ministry, is to uphold and defend the constitutional order — that is, to maintain the stability and existence of the state, being the territorial integrity of the nation with its system of governance. It is to that purpose, that law, the expression of collective began. The oldest form of law is the law of the prerogative, the *lex prerogativa*, or the law of the lord king, the *jus regis*. The second oldest form of law is the law of Parliament, the *lex et consuetudo parliamenti*. These two sets of law, buttressed by statutory law, have been the mainstay of political stability for our citizens. To do the contrary was to risk the wrath of these two sets of law and face treason.

Honourable senators, the authorities and the law tell us that the first object of all political associations of society and all constitutions is to produce a state of things in which the citizens' various pursuits of life may be conducted without interruption or disruption according to the famous maxim of our law, that is, to keep the monarch's peace — thus, the meaning of the words "peace, order and good government," as stated in the British North America Act 1867 at section 91.

Honourable senators know that I do not approve of the Supreme Court of Canada's foray into politics in its 1998 advisory opinion, the subject of this bill. I agreed with former prime minister Pierre Elliott Trudeau in his 1991 criticism of the court's foray into politics in the 1981 *Patriation Reference*. Mr. Trudeau was right and was supported by 150 years of constitutional history. I stand by the essential principle of liberalism that the courts and judiciary must not be deployed for political ends, a liberal principle supported by the law of Parliament and by the constitutional practices in respect of the proper relationship between Parliament and the courts.

Honourable senators, in my two speeches on this bill, on June 16, 2000, I have shown that there is no Royal Prerogative that authorizes the Government of Canada to terminate Canada and/or to partition, to divide or to dismember Canada. I also showed that the government's and Senate government leader Bernard Boudreau's assertions about the Senate are wrong and are unsupported by Canadian constitutional practice and history.

• (1720)

I remain bewildered that Senator Boudreau made such patently wrong assertions and that, further, when challenged, has declined to defend or withdraw his mistaken assertions. I cited high authorities, including Prime Minister R.B. Bennett, demonstrating clearly the right of the Senate to pass confidence votes. I shall record today two more pieces of parliamentary evidence on the proper role of the Senate in respect of confidence votes.

The first is a citation from Canada's own highest authority on Parliament, the 19th-century author, Alpheus Todd. The 1894 edition of his book entitled *Parliamentary Government in the British Colonies* states:

It is true that a vote of want of confidence in an existing administration may properly be passed in either house of parliament, without it being necessary to assign any reasons for the same.

I repeat, Todd stated in uncontrovertibly plain, easy-reading language that want-of-confidence votes can be passed in this Senate Chamber.

Honourable senators, my second citation is about a particular want of confidence motion or a motion of censure that passed here in the Senate. In fact, the Senate's role was pivotal. I speak of the Senate's role in the 1879 dismissal of Quebec Lieutenant-Governor Luc Letellier by the Governor General, the Marquis of Lorne, on the advice of the two Houses, the Senate and the House of Commons. I speak of the parliamentary motions of censure against Lieutenant-Governor Letellier and his ultimate dismissal and replacement by Governor General Lorne in July 1879.

The question, honourable senators, was a matter of high constitutional crisis and a lengthy and complex one which was explored in the proceedings of the two chambers. Of importance to senators is the Senate's important role in this censure and dismissal.

In this Senate, on April 16, 1878, a censure motion, moved by the Leader of the Opposition in the Senate, Conservative Senator Alexander Campbell, carried censuring Lieutenant-Governor Letellier. A similar motion of censure had failed in the House of Commons the day before. However, some months after its adoption in the Senate, the related censure motion carried in the House of Commons.

I shall read Prime Minister Sir John A. Macdonald's action as recorded in the "Report of a Committee of the Honourable the Privy Council" approved by His Excellency the Governor General on July 25, 1879. It stated:

That...Sir John A. Macdonald, as first minister, waited on your Excellency and informed you that after the resolution of the Senate in the last session of Parliament, and the resolution of the House of Commons just referred to, it was the opinion of your Excellency's advisers that the usefulness of Mr. Letellier as Lieutenant-Governor of Quebec was gone, and they advised that in the public interest it was expedient **that he should be removed from office.**

This was votes of non-confidence.

It continued:

...that the decision on the present case would settle for the future the relations between the Dominion and Provincial Governments as far the office of Lieutenant-Governor, is concerned...

Finally, it concluded, stating clearly, that the assigned cause for this removal was the motion of censure as passed in the Senate and, later, in the House of Commons.

The document continues:

He further begs to report that the cause to be assigned for such removal according to the provisions of the 59th section of the British North American Act, 1867, is that after the vote of the House of Commons during last session and that

of the Senate during the previous session Mr. Letellier's usefulness as a Lieutenant-Governor was gone. That your Excellency's advisers are fully aware of the responsibility of making this recommendation, and they feel it their duty to accept it in every sense.

Honourable senators, Lieutenant-Governor Luc Letellier was removed on July 26, 1879, and Lieutenant-Governor Theodore Robitaille was appointed in his stead.

Sir John A. Macdonald, in that Privy Council document, had mentioned section 59 of the British North America Act, 1867. I shall share with honourable senators section 59, which states in part:

A Lieutenant Governor shall hold Office during the Pleasure of the Governor General; but any Lieutenant Governor...shall not be removable...except for Cause assigned, which shall be communicated to him in Writing...and shall be communicated by Message to the Senate and to the House of Commons within One Week thereafter...

Both Sir John A. and the Governor General had honoured that section. First, Sir John A. in his observance and adherence to the advice of the two Houses, and, second, the Governor General by his obedience and by his early, voluntary transmittal of the relevant petitions and documents to the Senate.

Senator Alexander Campbell, in speaking to his motion on April 12, 1878, spoke about the Governor General's communications and messages to the Senate. He stated:

Another reason which makes me think it is expedient to move as I am now doing, is the fact that two messages from His Excellency with papers on the subject have been **transmitted** to this House, not at our request, but on the mere **motion** and grace of His Excellency. In my judgment some action ought to be taken by us lest our silence be misunderstood...

That, Honourable senators, is the proper and intended role of the Senate in Canada, not the fanciful inventions of Minister Dion and others.

Honourable senators, it is important that we understand that Bill C-20 is seeking to limit this particular power as granted to us under section 18 of the BNA Act. Section 18 of the BNA Act granted to the Senate that which Edward Blake, one of the greatest Liberal legal minds ever to serve in Parliament, described as the great power of Parliament to advise. Bill C-20 attempts to limit the Senate's power to advise in respect of both federal and provincial actions in respect of national unity.

Honourable senators, the Senate embodies the federal principle, but Bill C-20 is digging away at that principle in a very underhanded way, and I do not like it.

Honourable senators, on May 29, 2000, Minister Dion first appeared before the Special Senate Committee on Bill C-20. In response to a question from Senator Kinsella about the divisibility of Canada, Minister Dion said:

I knew that Canada was divisible before the court reference. I think that very few people are arguing the reverse.

Minister Dion is omniscient. He knew the unknowable. He knew what none of us knew before. He said he has always known that Canada is divisible.

Later, at the same meeting, Senator Michael Pitfield, former clerk of the privy council, said to Minister Dion:

This is heady stuff. I never thought to see the day that the Liberal Party came down in favour of the disunity of the country.

I never thought I would see that day either. The disunity of Canada is contrary to Liberal Party history and policy.

I shall conclude by citing Minister Dion's testimony of June 19, 2000, when he again appeared before the Special Senate Committee on Bill C-20. In respect of allegiance to Her Majesty Queen Elizabeth II as required by the oath of allegiance we all take when we come here, I asked Minister Dion:

My question to you, minister, is the following: As a minister of the Crown, what duty of allegiance do you owe to the one Dominion of Canada and to the Queen's peace and to the Queen in and of Canada?

Minister Dion responded:

...Canada has been created as one dominion. If it was two dominions, we would know. It was one dominion under the Crown. That does not mean that Canada was indivisible. That was not written anywhere. Where are the words "indivisible under the Crown?"...The notion of indivisibility cannot proceed from the fact that Canada is one.

I then asked:

...My question to you, minister, was about your duty as a minister, your duty of allegiance to Her Majesty the Queen and to the one Dominion of Canada. That was my question. What is your duty of allegiance?

Mr. Dion responded:

My duty of allegiance is to the values in which I believe...

• (1730)

Honourable senators, the minister has said that he is omnipotent. He says that he owes allegiance to himself, his own beliefs, and his own values. The minister has condemned himself

by his own words. I need add nothing more. The minister has declined to defend and uphold the constitutional order of Canada. He has yielded the ground to the sovereignists and so, too, does Bill C-20. They will inevitably and inexorably win, because the ground has been handed to them. That is why I do not support Bill C-20, and that is why, honourable senators, I shall be supporting the amendments that have been moved by other honourable senators.

Honourable senators, in tribute to all those who have believed in Canada as a country, and who have taken risks and served Canada as a country, I should like to end by citing *In Flanders Fields*. That is the very famous poem, which I am sure all honourable senators know, by John McCrae.

In Flanders fields the poppies blow
Between the crosses, row on row,
That mark our place; and in the sky
The larks, still bravely singing, fly
Scarce heard amidst the guns below.
We are the Dead. Short days ago
We lived, felt dawn, saw sunset glow,
Loved and were loved, and now we lie
In Flanders Fields.
Take up our quarrel with the foe:
To you from failing hands we throw
The torch; be yours to hold it high.
If ye break faith with us who die
We shall not sleep, though poppies grow
In Flanders fields.

Honourable senators, it is my bounden duty to throw the torch and, honourable senators, I shall not break faith with the history of this country or with the tradition of the Liberal Party. Honourable senators, I shall not be disloyal to the oath of allegiance that I took when I walked into this chamber and placed my hand on the Bible and I swore. That may not mean much to a lot of people, but it means a lot to this honourable senator. Honourable senators, there is not a duty of party loyalty that can advise any honourable senator to violate his or her oath of allegiance.

[Translation]

Senator Prud'homme: Honourable senators, there are several different ways of addressing the subject. There is the written speech, which summarizes everything that may have been said in committee, the speech, which summarizes everything that has been proposed, and the path I have chosen today: reflection. Reflection by a political old-timer, with 37 years of service to the Parliament of Canada.

The other old-timer is Herbert Gray, in the other place. I am second. That is how I consider my role, even if that raises a smile for some of you, while others may quibble with it. I am very much attuned to people's expressions and reactions, not that I am sensitive and likely to have my feelings hurt by it, but just attuned to people's reactions.

I shall tell you why I was appointed to the Senate. I have never said this publicly before. I was, and I regret to have to say so, thoroughly fed up with always losing out when I spoke up for my people, the French-Canadians of Quebec within Canada. That is a pretty serious statement, and one I shall have to live with for the rest of my days. I could have stayed a member of the House of Commons, for I was not expelled from the Liberal Party. I left it quietly at the end of 1993. I have always been loyal to my country and I have always professed that loyalty, even if it had to be put ahead of party loyalty. At a certain point, there was a clash and I decided it was time to leave. I was already a candidate for the Liberal Party of Canada in the riding of Saint-Denis. I was nominated in June of 1993. The Parti Québécois and the Bloc Québécois dubbed me "l'indéracinable," he who cannot be got rid of. When I saw there was nothing more to be done, I decided to quit — perhaps a bit adolescent of me. It was seen as something temporary, but it was a real crisis for me. In life, it can never be predicted when a person will have had enough. For some, the last straw comes after days or months, maybe a few years; for me it took 30 years.

I have seen people who, with the arrogance of power, did not understand what Canada was. I met with the Right Honourable Brian Mulroney, who is a friend, as is Jean Chrétien. When I left the party, I told him that I should sit as an independent. There are three witnesses to these events: Guy Charbonneau, who has since died, Senator LeBreton, because of her responsibilities, which were similar to those of Senator Fairbairn vis-à-vis the Prime Minister, and the Prime Minister. He was surprised, but he knew very well that I should sit as an independent. That is why I came to be in the Senate: I think I understand the differences, the nuances and the frustrations. In fact, this is why I am so popular in the Inter-Parliamentary Union. I can also understand how the arrogance of power can lead you into all sorts of stupidities, such as the one we are engaged in now. That is my opinion, anyway! What we are seeing is a profound disrespect for Canadian institutions, when we know perfectly well that Parliament is composed of two chambers. I should even be almost prepared to forgive the Prime Minister. Now advisors are telling him that this is the way to proceed because no one is concerned about these issues. Where I come from, we say "It is time to pull a little fast one." This is a very popular expression.

I therefore agreed to be an independent senator. I knew that there would not be many of us. There were only three of us. You listened reverently to the speech by Senator Pitfield — because of the respect in which he is held — in which he defended the institutions. Senator Lawson was also there, and since then, there have been Senators Wilson and Roche. And some of you would perhaps like to be in my shoes as an independent senator.

• (1740)

I understand, and accept, how parties operate, even though a colleague always told me I was not an independent. I always voted with the government. That hurt my feelings, and today I am saying so, but at the time I let it pass.

I vote according to my conscience, in everyone's best interests, without exaggeration, and also without abusing the patience of

the group to which I belong. I cannot always be a dissident. I am very familiar with the *Rules of the Senate of Canada* and could quote from them as readily as Senator Molgat and some others did during the GST debate. If I were to read to you from the red book of rules, you would not be able to adjourn for the summer, but that would be going against the group.

Sometimes there are some great events that mark history, and Bill C-20 is one of those. There is terrific pressure, I feel it, and I see it in the faces of others, but that pressure is the very essence of political life! Under such circumstances, we see senators at risk of sacrificing long-standing friendships to do their duty. That is what is happening right now.

I do not mean to say that some senators have more principles than others. I have never said that, but let us stop and think about what Canada is all about. What is it that other people in this country see that we do not?

We could ask Senator Banks if he remembers some young school children in Edmonton who sent some tokens of friendship to a schoolteacher in Quebec City. By bad luck, they chose a school called Saint-Jean-Baptiste and a teacher called Mrs. Lévesque, whose response was that she did not want any tokens of love from their school.

[English]

• (1740)

Senator Banks reminded me of that. I phoned immediately because I knew people were being attacked. The children were crying, and I knew the situation would end up in a misunderstanding, so I offered to go to the school. I asked the professor if I could go to the school and tell the children how much I appreciated what they did. He was somewhat surprised that I had offered to go to the school. Having made the commitment, I had to plan what to say. It was a very difficult situation. That is the story in a nutshell.

Honourable senators, we shall have to re-educate ourselves if we want to know what Canada is all about. Are we afraid to say that we are senators? Will we let others continue to show disdain for the Senate? Will we duck our responsibility? Will we walk gently and not say that we are senators? If that is what you believe, then resign. Do not stay in the Senate if you are afraid to proudly say, "I am a senator of Canada."

Canadians are very confused. Last night there was a meeting that was attended by five MPs and three senators. MPs and senators are all members of Parliament. Parliament is comprised of two Houses: The House of Commons and the Senate. Despite that, the press, including *The Hill Times*, continues to report that "Parliament" adjourned because the MPs have left for the summer. Honourable senators, we are MPs, too! I am proud to be one. I have never been insulted in the province of Quebec, yet they know I am a federalist. I never had a better time than the four days I just spent in Quebec City for the unveiling of a statue for Mr. Jean LeSage.

I went to the National Assembly, where they introduced me and my sister — but I shall not talk about that subject — who used to be a judge of the citizenship court. She was appointed twice by Mr. Trudeau and twice by Mr. Mulroney, but was sacked not long after I came to the Senate. That is another story.

We must be proud to be senators. Since the motion in amendment that has been moved involves the Senate it is one that we should naturally support. I should say to Senator Taylor that, come what may if they really want the bill in the House of Commons, does he not think the Prime Minister will hesitate to recall Parliament? The House of Commons may be called back in any event with the possibility of the strike. If they want it, they will call the house back. They will not wait.

Honourable senators, why should we deny ourselves respectability? Why should we accept being pushed around when we have a constitutional duty? I had the nerve to go into a French-speaking Catholic school in Quebec and say "I am a monarchist," and I shall remain a monarchist as long as Her Majesty lives and the monarchy is not forced out. I have pledged allegiance to Her Majesty 16 times. I am not afraid to say it. That is my constitutional duty. When you explain the role of the Senate most people still do not understand it. Although many people cannot express it clearly, it is evident that they do not trust politicians of all kinds. That is probably one of the reasons why I am a federalist. I know that they cannot stampede me if I have two chances. I believe that my provincial government will help me, and vice versa. That is why people basically believe that two Houses in a vast country like Canada is far better for their own security and for their own self-respect, because if one lets them down, they hope to rely on the other. If senators are able to help Canadians only once or twice during their tenure as a senator, it will be worth their while to stand up and defend the Senate.

I know that senators are under pressure. I am a friend of the whip and I saw his beautiful smile a moment ago when Senator Taylor finally said, "I shall vote one way or another." That is fair game. I do not mind that. I am not upset by it. In fact, I tip my hat to him and his ability. I have never seen the telephone more red than it is these days. I know there is a price to be paid. You may not be this or that, but what is this little sacrifice compared to doing the duty that you were called upon to play when you came here, to the Senate, the duty that Canadians give to you.

Honourable senators, I shall finish, with agreement, in two minutes.

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I propose that we give leave for Senator Prud'homme to extend his time by five minutes.

The Hon. the Speaker *pro tempore*: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Senator Prud'homme: I think we are privileged, honourable senators. We are spoiled Canadians. We belong to the last club of Canada. There is a price for that, though. What is the price? The price is that, in remaining faithful and loyal to your party, at times you must take a step back and say, "The buck stops here. Sorry. Don't take it personally."

• (1750)

If it is not today, I hope it will come some day. It could be on another bill. It could be on another occasion. I am afraid that I do not think any speech would change anyone's mind now.

Yet, that should be the Senate. Here, everything is there.

[Translation]

There are French-Canadians from Quebec who are as passionate as I am and others who are not. There are French-Canadians who call themselves Acadians, who say they are not French-Canadians but Acadians. They are proud to be Acadians and they have proved it. There are Franco-Ontarians, Inuit, people representing the first nations. It is an extraordinary country! There are now 33 women in the Senate — contrary to what was said by Barbara Yaffe, a Vancouver journalist.

[English]

I hope there would be 50-50, because the Prime Minister has the option.

Having said all that, I regret that we do not use this opportunity not to be pushed around by the arrogance of power and by people who have a lot of responsibility, and among them I should include these counsellors, these people who sometimes decide for politicians. Perhaps senators could be the ones to say, "Enough. Today, we are going to vote according to what we think is right."

If it were to be the other way, I should bow, because I am a democrat, but I hate to be obliged to vote because of any kind of pressure on such an important piece of legislation.

Senator Taylor: Honourable senators, I have a very quick question. I was named in the honourable senator's speech as not defending the Senate as exuberantly as he maybe wants to do. Has the honourable senator read my Motion No. 80?

Senator Prud'homme: Yes.

Senator Taylor: He has? Will he be voting for it when it comes up?

Senator Prud'homme: Even though I do not have the privilege, and it is my fault, of a research bureau and all that — as recently as last night I was congratulated by Senator Finestone on a job well done, of presenting a thorough briefing on the bill. Of course I read No. 80 on the last page. Of course. Will your government put it to a vote?

Hon. Sharon Carstairs: Honourable senators, Senator Prud'homme and Senator Cools are proud senators. I believe the remaining 100 — 101, if you count me — are also proud senators. I am a proud senator.

Tomorrow, I should rather be in Neepawa, Manitoba, for 75 graduates, who for the last three years, under my sponsorship and the sponsorship of others, have raised money for juvenile diabetes and for the Trans Canada Trail. These kids engaged kids in 650 schools across this country. I should rather be with them. I must say, than with my colleagues tomorrow. However, I shall be here because, as a proud senator, I also have a duty as a senator. To the best of my knowledge, I have not missed a single vote in six years.

I was not going to speak on this bill, honourable senators. It was not my intention, because, quite frankly, in my lifetime I have been all-too-often involved in debates on so-called constitutional issues, and it has made me weary. I prefer to concentrate my debate on legislation that influences the daily lives of Canadians. However, I must say that I believe the debate on this bill — and I remind everyone that this is a bill and not a constitutional amendment — has taken on a life that is disproportionate to the issues before us.

Let me begin with a very serious issue, and one that I think is of concern to us — that is, the argument on the indivisibility or divisibility of Canada. To me, at least, it is clear that the country is indivisible unless at some point it is determined that it is divisible. Why would the country take such an action? I should suggest that such an action may well be taken if a large majority of persons in any province, through a referendum, chose to vote Yes to separation. What other action, other than negotiations following that vote, would senators envisage? I see no desire in Canada for civil war. I spent several years teaching American history in the United States. I taught that the American Civil War and the devastation in that country between 1861 and 1865, where the loss of life was greater than the number of Americans lost in World War I, World War II and the Korean War altogether, combined with the wounds that still exist in parts of the United States, is an unacceptable legacy in Canada.

What other choice, other than negotiation, does the government have? Why senators have become so absorbed in this debate leaves me shaking my head a little bit. Senator Pitfield, a few hours ago, spoke of the analogy of how many angels can dance on the head of a pin. He clearly feels differently about this issue than I do, but I totally concur with his analogy. A discussion of indivisibility and divisibility seems to me unanswerable, simply because both are correct.

Senator Joyal has argued that a referendum should take place before any negotiations should begin. My response to that is "God forbid." What strength at the negotiation table would the federal government have if an overwhelming majority of Canadians voted in favour of negotiations, stating in a not-so-subtle voice, "Let them go"? Alternatively, if they voted against negotiations, a logjam would exist. The secession-desiring province would be tempted to declare a

unilateral declaration of separation, but we have been told by the Supreme Court of Canada that they cannot do that. At the same time, the Supreme Court of Canada has said that the federal government must negotiate. However, the Canadian people have said no.

With the greatest respect to Senator Joyal, I think his desire to hold a referendum at this stage would just confuse things totally and absolutely.

The second issue that causes all of us some angst and concern is the aboriginal issue. When Canada repatriated our Constitution in 1982, in my view we did two significant things. We included a role for aboriginal people for the first time in our Constitution, and we introduced a Charter of Rights and Freedoms. No longer could we speak only of our two founding peoples. As of 1982, we had to recognize that there were people here before our founding peoples and that they had rights. Sections 35 and 35.1 made certain that the concerns of our first people had to be engaged in constitutional issues that had an impact on them. This is a far stronger defence of our first people than the amendment presently before us.

Governments can and frequently do change bills, and with great ease. Constitutional changes are far more difficult to achieve. That is why they are in the Constitution. Therefore, I cannot support Senator Watt's amendment simply because I, like Grand Chief Phil Fontaine, believe it is not necessary.

This leaves us with the third argument, and for me the most important one. Does this bill diminish the powers of the Senate? To understand this we must clearly examine the purpose of Bill C-20.

• (1800)

I have to ask some questions. Does the executive branch need this bill? Could the cabinet alone not declare the referendum question unclear and, therefore, not acceptable for the basis of negotiations? Could the executive branch itself not determine that the majority was insufficient and so declare? I should suggest that, yes, of course, they could do both of those things.

Why, then, did the cabinet determine that they wanted Bill C-20? Since none of us were in the room, and I do not sit at the cabinet table, I do not know what they talked about in that room, but I should suggest it was because they wanted a stronger hand. They alone did not want to make this decision. They wanted to be supported by their colleagues in the House of Commons, and if that support was not granted, they would go to the people and fight an election on this matter since it would be considered a confidence issue.

Why would they not be willing to also request a resolution in the Senate? Honourable senators, nothing in this bill prevents the Senate from debating such a resolution. Any senator could move a motion and the Senate could vote on such a motion, but it is true that such a vote in this chamber would not force or even require the government to call an election.

Would the House of Commons be required to consider the opinion of the Senate as expressed in our resolution? The answer is no, they would not have to if they did not choose to, nor would they be required to listen to the provinces, which might also move resolutions or, indeed, to our aboriginal peoples. However, I should suggest that they ignore these views at their electoral peril.

It does make me uncomfortable that the Senate has not been included. Regrettably, I cannot find a reasonable way to include the Senate which would ensure — which is, after all, the purpose of Bill C-20 — clarity. How strong would the federal voice be if one chamber voted yes and the other chamber voted no? Would the secession-desiring province not simply laugh in the face of a federal position that was divided and unclear? So much for clarity.

Does this mean the Senate has lost constitutional powers? I should argue no.

Honourable senators, we lost constitutional powers in 1982 when the Canada Act limited our role in a constitutional amendment to a six-month suspensive veto.

Many of us were in this chamber when our position was overruled in the first Newfoundland school question. That vote did not stop us, however, from going to Newfoundland and listening to the people of that province. We have, constitutionally, a severe limitation on our amendment role. However, we can make our views known to the Canadian people in the six months given to us.

As a result of the Charlottetown Agreement, I think it highly unlikely that any constitutional amendment will pass in this country without being preceded by a referendum either nationally or provincially.

The Hon. the Speaker *pro tempore*: Honourable senators, it is six o'clock. Is it agreed that I not see the clock?

Hon. Senators: Agreed.

Senator Carstairs: Depending on the relevance of the amendment, that is when we can take our case to the Canadian people.

Honourable senators, let us remember: This is just a bill. Yes, it gives a role to the House of Commons that it does not give to us. However, my greater concern is that no province — no province — with secessionist ambition can produce an ambiguous question without having that question examined and pronounced to be ambiguous. The clarity of the question, the clarity of the majority, is the purpose of this bill. It is clarity that motivates me to say yes to this legislation; it is clarity that will cause me to vote no to the amendments.

Senator Murray: Would the honourable senator permit a question?

Senator Carstairs: Certainly.

Hon. Lowell Murray: The honourable senator's speech has served to remind me, for a number of reasons, why I believe the bill is so inadvisable politically and why I oppose it in principle. The question I should like to put to her, however, is how will the bill strengthen the hand of the federal government in negotiations to have had a large majority vote in the House of Commons declaring that the question on secession had been clear and the majority had been sufficient? Will that not also give an unmistakable "let them go" signal, which my friend says would put them in the effect of a referendum?

Senator Carstairs: I deeply respect my honourable friend's view that he is opposed to this bill in principle because I think that is certainly the alternative position to take rather than through the various amendments that have been proposed.

When the House of Commons speaks, it speaks as the elected representative of all of the people of Canada. I cannot believe that a government can whip its majority members on an issue so important as this to the future of the nation.

Senator Murray: Perhaps my friend could explain what she believes — since none of us knows — the process would be in the event of a referendum being called, let us say in Quebec, on the question of secession. Senator Bryden earlier today indicated that the bill does not oblige the government to do anything and that perhaps the question to be put before the House of Commons would arise by osmosis somehow. If a referendum were called, I should think that the government would bring in a resolution stating that in the opinion of that House, the question is clear or not clear, as the case may be, and put it to a vote. I should like to have my friend's opinion as to whether she agrees with me that this is the likely process.

The alternative is that the House would simply sit and wait for someone to get up because the House is required by this bill to make a determination. Surely, the government would lead the House on the matter. I do not think Senator Bryden has thought his comments through.

Senator Carstairs suggests that it would not be possible for a government to whip or to impose party discipline on such a vote. That is very much at odds with the position taken by Minister Dion, implicitly, when he justifies the exclusion of the Senate on the grounds that the House of Commons is the confidence chamber. A question I should have asked him — I did not get around it because I had other questions and other senators had other questions — is to confirm that the vote on that matter would be regarded as a matter of confidence.

The Hon. the Speaker *pro tempore*: Excuse me, Honourable Senator Murray, but the 15-minute period for questions and comments has expired.

Senator Hays: Honourable senators, I propose that we give leave to extend Senator Carstairs' time for a further five minutes.

The Hon. the Speaker *pro tempore*: Is leave granted, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker *pro tempore*: Proceed.

Senator Carstairs: I think that the Honourable Senator Murray is correct with respect to the process. The government would have to come forward with a resolution.

• (1810)

As to whether members can be whipped, even on a confidence issue as significant as this one, Senator Murray is well aware that in the past I have not insisted that, on matters of this degree of significance, my caucus not vote according to their own consciences. In fact, they were told on two separate occasions to vote totally according to their own consciences and not as their leader was voting. Perhaps that reflects my idealism.

Senator Murray: I appreciate that, honourable senators, but my friend was leader of the opposition in Manitoba at the time. We are talking here about a situation in which a minister of the government of the day would bring in a resolution saying that it is the sense of the house that the question is clear, or not clear, or later, that the majority was sufficient, or insufficient.

It is inconceivable to me that the government would not insist that the matter is a question of confidence. Think of the consequences if, having brought in the resolution, even in a minority house, the government lost the vote on the resolution. At a time of a national unity crisis, we would be left without a government, or in the midst of an election, with the necessity to cobble together some kind of coalition.

The more I think about the bill, the more I think it is inadvisable and the more I am sustained in my view to oppose it in principle.

Senator Carstairs: Honourable senators, I think that Burke had it right when he said that there are times when individuals have to act in their own conscience.

Senator Grafstein: Honourable senators, I hope that the learned senator will understand that we are not talking about a constitutional amendment, according to the minister, but an extraordinary piece of legislation. It is somewhat confusing to combine them. I thought I had separated the two, but perhaps not.

Is it the view of Senator Carstairs that this bill, which exempts the Senate from the legislative process, is constitutional or unconstitutional?

Senator Carstairs: First, honourable senators, I do not see this as extraordinary legislation. I see it as quite ordinary legislation, and I believe it is constitutional.

Hon. Gerald J. Comeau: Honourable senators, earlier today, Senator Taylor expressed grave concern about Stockwell Day possibly leading the opposition in the House of Commons. Senator Taylor swallowed himself whole and decided to completely embrace this bill. God knows what conversations he has had with the leadership in the last three or four hours.

In his speech earlier this afternoon, Senator Banks discussed the possibility of a coalition government, perhaps led by Stockwell Day, and the possibility that it may not be quite as responsible as the current government.

If it happened that Mr. Manning and Mr. Duceppe formed a coalition government, what kind of responsible reaction would Senator Carstairs expect from those individuals if a vote were to be held? Would she not expect them to provoke the winning conditions needed by Mr. Bouchard in Quebec to precipitate a crisis of this kind? What would she expect these gentleman to do if such a vote were successful? Would she not expect them to create the country of Quebec and the country of Western Canada, with Preston Manning at the helm?

Senator Carstairs: Honourable senators, I have discovered over the years that my best friends are members of the Liberal Party and the Progressive Conservative Party. I have little in common with members of the Reform Party.

In response to Senator Comeau's other questions, I believe that when individuals are elected to the House of Commons they must take on a certain responsibility. They grow into the office. The suggestion that there will be coalitions between the Alliance and the Bloc Québécois is not realistic. There is no basis for believing that such a coalition will ever exist.

I also believe that, on a question as serious as the secessionist wishes of any province in this country, members of the House of Commons will act responsibly. If I did not have that faith, I should not have much faith in the whole democratic process.

Hon. Charlie Watt: Honourable senators, Senator Carstairs has said that she cannot support my amendments. She believes that there are already enough protections and guarantees in section 35 of the Constitution. Can she tell me where she sees the guarantee that aboriginal peoples will be directly involved in negotiations?

The Hon. the Speaker: Honourable senators, I regret that Senator Carstairs' allotted time has expired.

Senator Carstairs: Honourable senators, may I have leave to respond to this one question?

Hon. Senators: Agreed.

The Hon. the Speaker: Leave is granted.

Senator Carstairs: In my view, honourable senators, a constitutional guarantee has the force and effect of no other guarantee in this country. Even if Senator Watt's amendment were to pass tomorrow, that amendment would not have the power of sections 35 and 35.1, for the simple reason that any government, at any time, with a simple majority, can amend the bill. They cannot, with a simple majority, amend sections 35 and 35.1. That belongs to the aboriginal peoples forever.

Senator Watt: Honourable senators, on that point, section 35 may not be easily amended or removed, but any government can change any legislation at any time. We do not want to amend this bill because it takes something away from us. We want to insert something into this bill to guarantee that we shall be direct participants in the negotiations.

I do not understand the point of the Honourable Senator Carstairs.

On motion of Senator Lynch-Staunton, debate adjourned.

CANADA NATIONAL PARKS BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Banks, seconded by the Honourable Senator Ferretti Barth, for the second reading of Bill C-27, respecting the national parks of Canada.

Hon. Donald H. Oliver: Honourable senators, the parks of Canada help us define our Canadian culture. Our parks and our policy are a reflection of who we are and what we do with our land. Clause 4(1) of Bill C-27 states:

The national parks of Canada are hereby dedicated to the people of Canada for their benefit, education and enjoyment, subject to this Act and the regulations, and the parks shall be maintained and made use of so as to leave them unimpaired for the enjoyment of future generations.

With that in mind, a few very serious questions arise as we look through other clauses of this bill. First, Bill C-27 will change the process of establishing or enlarging future parks or park reserves to one carried out by cabinet once a park establishment agreement has been concluded. Currently, a new park can only be established through an act of Parliament. The issue, as very carefully explained in the excellent exposition last night by Senator Rossiter, is the future role of Parliament in relation to preserving our parks as part of the culture of Canada. Will it be done only by cabinet and Order in Council?

• (1820)

As Senator Rossiter said last night, the government proposes that new or existing parks and park reserves be created or enlarged by means of an Order in Council. This will be done

without the passage of new legislation and all the debate and scrutiny that occurs when legislation is passed through both chambers in this Parliament.

That, honourable senators, is a major concern to many on this side. The reason for taking the adjournment last night and wanting to raise this matter in support of the issues raised by Senator Rossiter is that we wanted to make sure that the committee that studies this bill will have ample opportunity to ensure that the people of Canada will have their views known and expressed through Parliament and both Houses of Parliament.

We in the Senate represent the regions and, if we are not afforded a fair opportunity to express the views of the regions in relation to a new parks policy, then we shall have failed utterly.

I strongly, therefore, urge all honourable senators to have this matter go to committee and to provide the committee with ample time to call the witnesses necessary to ensure that the legislation is enhanced.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I wish to make a few comments with reference to Bill C-27.

My first comment speaks to the interpretation clause of Bill C-27, in particular clause 2(2), which states:

For greater certainty, nothing in this Act shall be construed so as to abrogate or derogate from the protection provided for existing aboriginal or treaty rights of the aboriginal peoples of Canada by the recognition and affirmation of those rights in section 35 of the *Constitution Act, 1982*.

The question I should like the committee to explore is why was that clause placed in the bill? If we are only dealing with parks, and there is a fair degree of hesitation in certain quarters of this chamber to put something similar into Bill C-20, hopefully the committee will take a look at that issue.

Perhaps the committee would want to inquire as to why we have to put in something that will be redundant? The Constitution applies notwithstanding what any statute says. Why are we beginning to see in some statutes a clause stating that a certain section of the Constitution applies? Surely that, at a minimal degree, is redundant. At the maximum degree, it is a statement of insecurity about our Constitution.

My second point, honourable senators, is one to which Senator Oliver alluded regarding clauses 6 and 7. I should like the committee to take a careful look at those provisions because as I read them, they speak to the issue of the Governor in Council making an order. Those orders would be tabled happily in both Houses of Parliament. It is interesting that some statutes recognize that things should go to both Houses and yet other statutes recognize only one House of Parliament.

Honourable senators, the following clause should be as troubling for the other place as it is for me in this house. In reference to the proposed parks schema, clause 7(1) states:

...the proposed amendment shall be tabled in each House of Parliament, together with a report on the proposed park or park reserve that includes information on consultations undertaken and any agreements reached with respect to its establishment, and —

— listen to this —

— an amendment so tabled stands referred to the standing committee of each House...

Why do we accept in a statute such a provision? We are quite capable of deciding what we shall do with anything that is tabled in this house. If we decide to refer to a document that has been tabled with a standing committee or the Committee of the Whole, surely our rules should be determinative.

We should watch this creep that is occurring. It is “executive power creepage.” The bureaucracy is encroaching on the prerogatives and the jurisdiction of the legislative branch, and the committee should look at that very carefully.

Finally, honourable senators, look over at clause 34 of this bill. In terms of encroachment, clause 34 is an even greater matter of concern. If an amendment will be made to Schedule 4, which appears at the back of the bill, the proposed addition to the schedule would be tabled in each House of Parliament. On tabling, they stand referred to the standing committee of each House that normally considers matters relating to parks or to some other committee.

Listen to this: The legislation will provide how we are to deal with that matter in our committee. The legislation will tell senators, as legislators, that our committee may, within 30 sitting days, approve or disapprove of this proposed change.

Let us say we want to take more time and choose a timeline deemed appropriate by the Senate. Here, the bureaucracy makes a proposal through a cabinet document. The minister takes that, gets the support of his or her colleagues in the cabinet, and then a bill is introduced into Parliament to tell the legislative branch how it will conduct its business.

Clause 34(3) states:

The motion shall be debated for not more than three hours and disposed of in accordance with the procedures of the House.

This proposed law is telling us that the motion shall be debated for not more than three hours and disposed of. That statute is providing that an amendment to Schedule 4 will be brought in, tabled and automatically referred to a standing committee that must deal with it within 30 days. Then it will come back to the chamber, but we shall only have three hours to deal with it. That is what the statute is saying. They are putting time allocation right into the statute.

The committee should take a very close look at that proposal and scrutinize it. Bring in the bureaucrats from the department and ask who came up with the idea of putting time allocation on the work of the legislative branch.

The Hon. the Speaker: If no other honourable senator wishes to speak, I must inform Honourable Senator Banks that if he speaks now, his speech will have the effect of closing the debate on second reading of the bill.

Hon. Tommy Banks: Honourable senators, I thank you for your questions, particularly those by Honourable Senators Rossiter, Oliver and Kinsella.

I am very glad to hear that the thrust of many remarks here is that we should get this bill into committee and that it should be examined. That is precisely what we think.

Senator Prud'homme: All summer!

Senator Banks: There are a number of things in this bill that, as Senator Lynch-Staunton pointed out yesterday, have never been done before. Senators are right to notice those things. I shall work backwards, if I may, in answering those questions.

• (1830)

I should like to refer to Senator Kinsella's last question, in respect to clause 34. In any other bill, the matters that are referred to in that clause would be and are in the present proposed act, as I understand it, a regulation, not a law. That deals only with the addition of parks communities under this bill, not the establishment of new parks and not the addition of new lands to old parks. Schedule 4 specifically sets out parks communities, by which the bill means, according to its definition, towns like Banff, Jasper, Waterton National Park, and Field, B.C. Therefore, the matter that Senator Kinsella has raised would, as I believe is the case in the present bill and in most legislation of matters of that kind, where something has been added to the schedule at the end of an act, fall within the purview of what would normally be called a regulation.

In fact, in this case, as I shall refer to in other instances in this bill, it is precisely regulation that is being made subject to the approval of the Senate and the Commons in circumstances in which it would otherwise not be. I think this is again, if anything, at least in most instances in this bill, of parliamentary scrutiny that does not normally exist over what would otherwise be regulations.

I was delighted to hear Senator Rossiter refer to the ecological integrity of our parks as being their most important aspect. I was glad to hear Senator Oliver restate the purpose, which is set out in clause 4 of the bill, which is a restatement of the act as it was promulgated in 1930 and exists until today. This is in fact precisely that — it is a restatement. Aside from the streamlining and getting rid of an act that has existed from 1930 and which has had amendments on the amendments, making it almost impossible to read, this bill is a restatement of precisely the elements to which Senator Oliver referred. This is reminding people, and particularly the communities in those parks, who have come to regard parks in some respects as a profit point and as commercial undertakings that no, these are parks, and we are obliged to maintain them so that successive generations can enjoy them in the way that we have.

The three-hour limit that is referred to in the house for debating a motion of displeasure that has come from the committee is a debate, in effect, on a regulation that we do not often otherwise enjoy. It is important to remember that there are hundreds of acts of Parliament that delegate regulation-making powers to the government. In almost every example, that delegation of authority is unqualified. Once Parliament has given the power to make regulation, it loses its direct control of that power. That has been the norm in Canada for decades.

In Bill C-27, the government proposes a regulatory method in which each house of Parliament retains its direct authority over the establishment of new parks and adding new lands to old parks. This is unusual, to say the least. Instead of limiting the Senate's role in the making of regulations, the government is proposing to strengthen that role in this bill. Honourable senators have every reason to applaud this approach.

Senator Kinsella asked the other day whether the bill overrides the *Rules of the Senate*. Like many other acts of Parliament, this bill provides that a report, when tabled, is automatically referred to committee. To the extent that the referral of the report to committee would otherwise require a motion properly moved after notice, yes, this bill supersedes the *Rules of the Senate*. However, there are many acts of Parliament that provide for automatic referral of a report to a committee of the Senate. Recent examples, all adopted within the current Parliament, include the DNA Identification Act, the Canada Customs and Revenue Agency Act, and the Canadian Environmental Protection Act, 1999, to name just a few.

Senator Kinsella is also correct, in that the *Rules of the Senate* are superseded in connection with procedure for dealing with a motion to disallow the regulations. Normally, the motion to concur in a report would not be automatic, as it is in this case, but would be moved by the chairman of the committee making the report. Those are the only two minor statutory infringements on the Senate's usual procedures that are contained in this bill. For the rest, nothing interferes with the Senate's ordinary

functioning. The committee is not required by this bill, or by the ministerial act, to do anything. This bill does not require that the committee report to the Senate, but it permits the committee to object to an action of the minister and to disallow.

Let us compare this to an example in another act. I have only been able to find one single precedent where the Senate has retained its power to disallow regulations, and that is in subsection 87.(1) of the Official Languages Act, which requires that the proposed regulations be tabled in the Senate. Subsection 87(2) provides, with respect to a motion for the consideration of the Senate, that:

...to the effect that the proposed regulation not be approved, signed by no fewer than fifteen senators...is filed with the Speaker of that House, the Speaker shall, within five sitting days after the filing of the motion, without debate or amendment, put every question necessary for the disposition of the motion.

In the case of the House of Commons, it requires the signature of 30 members. Subsection (3) of that act provides that, if both chambers pass such a motion, the minister's power to make the regulation is inoperative.

The *Rules of the Senate* were superseded by the Official Languages Act. That act establishes limitations on the debate and amendments to a motion, which limits are not automatic in our rules. However, I am sure that senators at the time judged it reasonable that, in return for retaining greater control over that delegated authority, they could accept that the process to be followed for disallowance would be defined in the statute, rather than in the *Rules of the Senate*. I also note that the Official Languages Act is much more intrusive into the *Rules of the Senate* than what is contemplated in Bill C-27. The Senate accepted that procedure because it seemed like a reasonable trade-off.

Bill C-27 is much less intrusive. Under it, the Senate alone cannot disallow the regulation, nor can the other place alone disallow that regulation. My understanding, when it comes to scrutiny of regulations, is that the Standing Joint Committee for the Scrutiny of Regulations is limited to disallowing regulations that would arise and would directly contravene the intent of the act. In this case, with Bill C-27, the Senate is treated as fully equal to the other place and can disallow ministerial regulation without a reason, with no questions asked, whether it is to policy or politics or intent or content. We simply disallow it, no questions asked, and it exists in both houses of Parliament.

Far from being an infringement on the jurisdiction of the Senate, I suggest that Bill C-27 should be examined by all honourable senators to serve as a future model for the delegating of power to make regulations. I take pleasure in moving that this bill be now referred to the Standing Senate Committee on Energy, the Environment and Natural Resources.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Banks, bill referred to the Standing Senate Committee on Energy, the Environment and Natural Resources.

• (1840)

**PARLIAMENT OF CANADA ACT
MEMBERS OF PARLIAMENT RETIRING
ALLOWANCES ACT**

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Hays, seconded by the Honourable Senator Robichaud, P.C. (*L'Acadie-Acadia*), for the second reading of Bill C-37, to amend the Parliament of Canada Act and the Members of Parliament Retiring Allowances Act.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I have a lengthy and learned analysis of Bill C-37 but I shall spare colleagues both the length — of my making — and the intellectual content, being that of an excellent research staff.

This bill, as we all know, is the one that touches on certain benefits for members of the elected House.

I wish to say at the outset that I have absolutely no objection to elected members being properly remunerated and given some security once they leave office because of the insecurity of that office in terms of how many years they can be there. That is not the point at issue.

The point at issue is that this bill was passed in a rather indecent fashion by the House of Commons. It was given first reading after a house order, was given unanimous approval on

Monday, June 12, in the early evening, and was passed on Wednesday, June 14, in the early evening. There were no witnesses called. It was done before committee of the whole, and clause-by-clause elicited no debate.

I accept the argument in part that the Senate should respect the decisions that elected members make regarding their own salaries and benefits. However, I do feel that there is a problem in the other place in that every so often they are faced with the embarrassing situation of having to have presented before them proposals regarding their benefits which, no matter how soundly based, how deserved and how comparable with others, still cause a tremendous amount of embarrassment, which is unfair to them. They brought it on themselves this time because they acted too hastily, in the thinking of many people. They are being condemned in an exaggerated fashion because the popular sport now, after picking on the Senate, is to pick on elected members as being overpaid and having benefits and pensions which are outlandish.

I am the first to say that that is not true. They are deserving of what they get. I have absolute respect for elected members, no matter what party they are supporting. They come here with high expectations, great devotion, a great work ethic, yet it is probably one of the most frustrating occupations in this country to be an elected member of the House of Commons. I have no problem with what they request.

The problem I have, and perhaps the Senate can help them, although it may be presumptuous, is to find a formula or system when this bill goes to committee that will spare them the occasional embarrassment of having to publicly decide on their own remuneration. Whether it should be done by independent committee, the ultimate responsibility is theirs and, I guess, ours. We are immune to the criticism that is so unfairly directed at them.

I hope that when this bill goes to committee, beyond examining it — and I know there will be no changes made to it — the committee will take the opportunity to hear recommendations on how to come to a better system to establish both the salaries and other emoluments which they deserve. The system in place now is unfair in the sense that it causes very unfair criticism. I am thinking even of those who, some years ago, decided to back out of the pension plan and now are re-entering it. I respect their decision and I respect the fact that perhaps at the time they made an error. Perhaps at the time they were politically motivated, but they have found that you must leave here with some kind of financial security, otherwise the right people will not be attracted to come here. The important thing for Canadians is to make sure that those who come to Parliament are as free of financial worries as possible. That is the least that the taxpayers owe them.

Hon. Senators: Hear, hear!

Hon. Peter A. Stollery: Honourable senators, I want to join in this discussion for just a moment or two.

Senator Lynch-Staunton has made a very good observation about the question of dealing with the subject in a way that makes it so that members of Parliament — and senators, who, after all, are unelected members of Parliament — can have the question of pensions and the level of salary dealt with in an organized fashion. I should remind Senator Lynch-Staunton that, in 1981, that issue was dealt with. I voted for the bill as a member of the House of Commons, as did the Prime Minister, Jean Chrétien, and other former members of Parliament here. If I recall, it was almost unanimous, the exception being only one member of Parliament. That bill was to introduce a formula that would apply every year to parliamentarians. It was not a formula to give them a raise. It was a formula that would deal with the problems of inflation.

I am going by memory. I did have the bill with me earlier but I seem to have misplaced it. It took, I believe, the figure of 1 per cent under the Consumer Price Index to be applied to incomes on a continuing basis. Therefore, instead of having a compounded downward spiral of parliamentarians' incomes, it would, to some extent, look after that problem.

The reason for the introduction of the bill was that, in the 1970s, when I was a member of Parliament in four parliaments, we had a time of serious inflation. There were a couple of unpleasant instances when MPs had to raise their salaries which always caused a public outcry. This formula was to take care of that.

When the committee is looking at the issue of MPs pensions — and I am certainly sympathetic to the issue of MPs' pensions — it must also consider the broader issue that has been mentioned by Senator Lynch-Staunton. What happened to the formula that Parliament agreed upon? It was agreed upon almost unanimously and put aside in the recession, I suppose. It was put aside, perhaps unwisely, because we now must again deal with the same problem of what to do.

Honourable senators, I suggest that it is only reasonable that that be looked at again at the same time as the issue of pension and retirement allowances for former MPs. It is a package, and it is time it was looked at, using the formula that all parliamentarians in this chamber who were members of Parliament at that time voted for.

I recommend to whatever committee deals with this that that issue be revisited in a logical and sensible fashion.

Hon. Tommy Banks: Honourable senators, I want to associate myself with the comments of Senator Lynch-Staunton on this bill. I shall take a second to set the record straight on behalf of the member of the other place who represents me, who had the courage and the moral rectitude to face the cameras after the famous vote in the other place, during which he said that he would rather be a hypocrite than stupid. That got a lot of air time. I should like to rise to his defence, since he did not rise to his own. He was not being hypocritical. He was being the opposite of hypocritical. He was saying, "I made a mistake, and I am now changing my mind and fixing the mistake."

• (1850)

I do not know how many of us are able to stick their hand up in the air and say that they have never made a mistake. I, myself, made a mistake. I think it was in 1951 or in 1952, if I recall. Thus, I wish to acknowledge publicly that Mr. Ian McClelland was anything but a hypocrite, and that he was being honest and courageous in a pretty hot place at a pretty hot time. Parenthetically, at the same time, I cannot help but chortle about the fact that not one of those members of his late party who, on that occasion, voted against the bill — and who then went out to their constituents and said, "I voted against it and was dragged kicking and screaming into this against my will" — stood up and objected to the unanimous consent that was required to get the bill through the House of Commons in 48 hours. Nevertheless, they managed, somehow, to take eight weeks to pass the Nisga'a treaty by using exactly the kind of obstructionist tactic at which they are so expert. Those are the hypocrites. They did not stand up and say that this is wrong, unusual or an infringement of parliamentary procedure. They did not say, "We have to go to the people."

[Translation]

Hon. Fernand Robichaud: Honourable senators, I have found the debate interesting. I agree with the fact that special attention should be paid to this bill because people are often misjudged for something they fully deserve.

The committee responsible for studying this bill should not go beyond the scope of the bill itself by examining the salary and benefits of parliamentarians in general.

If that is what we wish to do, we should do it in such a manner that people understand clearly what we are doing and not try to sneak it in through a committee that is examining another bill. That is my only reserve.

The Hon. the Speaker: If no other senator wishes to speak, it was moved by the Honourable Senator Hays, seconded by the Honourable Senator Robichaud, P.C., (*L'Acadie-Acadia*), that the bill be read the second time.

Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and bill read second time.

[English]

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Hays, bill referred to the Standing Senate Committee on Banking, Trade and Commerce.

CANADIAN TOURISM COMMISSION BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Callbeck, seconded by the Honourable Senator Cook, for the second reading of Bill C-5, to establish the Canadian Tourism Commission.

Hon. Marjory LeBreton: Honourable senators, I am pleased to speak to Bill C-5, entitled An Act to establish the Canadian Tourism Commission. The Canadian Tourism Commission was originally created by Prime Minister Mulroney's government in April 1985 as a special operating agency. The intent of this bill is to transform the commission into a Crown corporation.

This legal change is at the request of the tourism industry and intends to provide greater freedom and flexibility to the commission in executing its duties to plan, manage and implement programs that generate and promote tourism in Canada.

The tourism industry exerts a substantial financial impact on our country and accounts for nearly \$51 billion of income. In Ontario alone, tourism accounts for \$6.9 billion of the provincial GDP, well ahead of agriculture, mining, logging and forestry. The far reach of a booming tourism industry is remarkable, affecting, as it does, a wide range of individuals and groups, including local business and, of course, the service industry.

Tourism is one of the world's largest and fastest-growing industries. As Canada competes for a greater share of this growing world market, we must improve our strategic plans to generate interest in what we have to offer. We must also take steps to ensure that Canada reaps the rewards of our unique and vast land. The Canadian Tourism Commission will obviously have a large role to play in this regard.

This change in mandate will allow flexibility in promoting tourism by the Canadian Tourism Commission. This change will enable the commission to conduct itself in a more structured, businesslike way, allowing for greater administrative, financial and personal flexibility.

These changes will also facilitate increased responsibilities for the commission to express rapidly changing trends. Previously, Canadians travelled abroad rather than within their own country. The low value of the Canadian dollar makes travelling abroad financially impossible for a great many Canadians. While the impact of our low dollar is negative, it has had a somewhat positive effect on the tourism industry by encouraging our own citizens to stay home, and it has made Canada an attractive destination for people from other countries as well.

The new Canadian Tourism Commission will ensure, first, a vital and profitable Canadian tourism industry by working with

all levels of government, as well as the private sector, to generate increased tourism to our country.

Second, the commission will market Canada as a desirable tourist destination. Although most tourists in this country and from abroad are attracted to our national capital of Ottawa, to Toronto, Montreal, or major cities like Calgary or Vancouver, there are countless other areas of the country that have great appeal. From the wilderness of Gros Morne National Park, to the charm of Lucy Maude Montgomery's home in Prince Edward Island, to the natural wonder of the various hot springs in the Rockies and the uniqueness of Victoria, British Columbia, tourists are amazed at the diversity of Canada. There is much to discover in Canada, and the establishment of a national tourism commission will facilitate this marketing initiative.

Third, the Canadian Tourism Commission will support a cooperative relationship between the private sector and the governments of Canada and the provinces and territories. This will allow the commission to bring key players of the tourism industry together and, in so doing, will improve the scope and reach of the commission's work.

Finally, the commission will provide information about Canadian tourism to the private sector and to the governments of Canada and the provinces and territories. This responsibility will allow all relevant parties to be aware of the current tourism situation in Canada and will result in being able to identify areas that require improvement or change.

Honourable senators, with the establishment of the Canadian Tourism Commission, the Crown corporation will have greater freedom and flexibility to carry out these objectives quickly and without undue delay. I lend my support and voice to this bill because, as we are all aware, this bill has widespread support from the Tourism Association of Canada. This association is comprised of all sectors of the tourism industry.

The tourism industry impacts every sector of our economy. Bill C-5 attempts to ensure that the tourism industry has the best possible framework from which to sustain and generate Canadian tourism. As the Canadian Tourism Commission continues to work toward expanding this industry and enhancing our reputation, our tourism industry will continue to grow and thrive. The result will be a tremendous benefit to Canada, its citizens and to our economy.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker *pro tempore*: Honourable senators, when shall this bill be read the third time?

On motion of Senator Callbeck, bill referred to the Standing Senate Committee on Social Affairs, Science and Technology.

• (1900)

SALES TAX AND EXCISE TAX AMENDMENTS BILL, 1999

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Kolber, seconded by the Honourable Senator Bacon, for the second reading of Bill C-24, to amend the Excise Tax Act, a related Act, the Bankruptcy and Insolvency Act, the Budget Implementation Act, 1997, the Budget Implementation Act, 1998, the Budget Implementation Act, 1999, the Canada Pension Plan, the Companies' Creditors Arrangement Act, the Cultural Property Export and Import Act, the Customs Act, the Customs Tariff, the Employment Insurance Act, the Excise Act, the Income Tax Act, the Tax Court of Canada Act and the Unemployment Insurance Act.

Hon. Terry Stratton: Honourable senators, some nine years ago, the visible 7 per cent GST replaced the hidden 13.5 per cent Federal Sales Tax, or the FST as it was known.

Replacing the FST made good economic sense. The old sales tax was an increasingly unreliable way to raise money as business kept finding new and creative ways to get around it. It taxed Canadian-made goods more heavily than imports, while hundreds of exemptions and special rules made it very complicated to operate.

However, good economics is not always good politics. While the GST was designed to raise no more money than the old FST, it angered Canadians who saw it not as a replacement tax but as a new tax. Of course, our party paid a heavy price for having the courage to **bring in a sales tax** of such reform, and the Liberals exploited that anger, verbally promising in the 1993 campaign trail to eliminate, scrap or abolish the GST.

Paul Martin himself told the other place on November 28, 1989, "The GST is a stupid, inept and incompetent tax." A few months later, as a candidate for the Liberal leadership, Mr. Martin told delegates, in a publication entitled *De Novo, Leadership 1990, Special Edition*, "I am committed to scrapping the GST and replacing it with an alternative."

I would refer to Senator Banks' statement earlier today where he congratulated the government on its integrity and honesty. I refer him to the infamous 1993 liberal Red Book, which pledged at that time — listen to this, it is wonderful — to

...replace the GST with a system that generates equivalent revenues. —

That is \$22 billion.

— is fairer to consumers and to small business, minimizes disruption to small business, and promotes federal-provincial fiscal cooperation and harmonization.

That sounds wonderful. It was a heck of a promise.

A few years later, on April 1996, Ottawa and the governments of Nova Scotia, Newfoundland, and New Brunswick agreed to harmonize their sales taxes. Since April 1, 1997, Ottawa has collected combined federal and provincial sales tax of 15 per cent in those three provinces. This, we are told, was progress on the Liberal promise to eliminate the GST.

Let's face it: The GST is here to stay, no matter what the Liberal Red Book said in 1993.

In March 1997, just after passing Bill C-7 to create the Harmonized Sales Tax, the government announced several of the technical amendments that are in this bill. That was more than three years ago. For three years, the government has administered sales taxes on the assumption that the changes in this bill will some day become law. What would happen if this bill were defeated? Three years of tax assessment would go out the window and have to be completely redone. The government would find itself chasing after businesses that in some cases are now defunct and in other cases have left the country.

There is no valid reason for it taking three years for a tax bill to come before Parliament, even if those changes are mainly technical. Surely the government can do a better job of managing its legislative agenda than this.

Beyond technical changes to the GST, the bill also repeals the special tax on split-run magazines that the government introduced in 1995. The WTO ruled that this was illegal, so it had to be eliminated. Did the government not stop to think when it imposed this tax that it might not stand up to a trade challenge?

Other measures in this bill stem from the government's ongoing battle against tobacco smuggling. The amount that manufacturers can send out of the country without payment of the \$8-per-carton tobacco tax falls, thus further reducing the potential profits from smuggling tobacco back into the country.

Back in 1994, tobacco taxes were cut in five provinces to help reduce smuggling. Now that American prices have risen, the government is raising tobacco taxes in those provinces again. It has to be because of a new problem: interprovincial smuggling, with cigarettes cheaper in Ontario than in Saskatchewan.

I would refer to Senator Kolber's speech on second reading where he said:

The government recognizes that tax reduction is essential to improve living standards. It increases productivity, creates jobs and leaves more money in the pockets of Canadians. This is why, with the deficit eliminated and the debt burden falling, the government took action to begin reducing the burden of personal taxes.

Senator St. Germain: Senator Kolber, great statement!

Senator Stratton: About four paragraphs later, he says:

Today's legislation puts in place another increase of sixty cents in federal excise taxes per carton of 200 cigarettes on sale in Ontario, Quebec, Nova Scotia, New Brunswick, and Prince Edward Island, the five provinces that are our action plan partners. These provinces are also increasing their taxes on cigarettes by comparable amounts.

He says further that excise taxes on tobacco sticks will also be increased in those provinces.

He goes on to say:

Furthermore, this bill proposes to make permanent the current 40 per cent surtax on the profits of tobacco manufacturing.

How can you say, on the one hand, that the government took action to begin reducing the burden of personal taxes when, on the other hand, you raise, raise and raise taxes on tobacco products? How can you speak out of both sides of your mouth? The people who are addicted to cigarettes have little choice. If you have ever watched people trying to quit, you will know. The question must be asked, when it is sent to committee: How much money is estimated to fall into the government's coffers with respect to these taxes? How much money will fall into their hands with this? They could perhaps move up to their promise of one time to eliminate the GST on books. Let us take this money and reduce the tax somewhere, such as the GST on books. In that way, they would have credibility when they say, "We are truly reducing taxes. We are not taking money on the one hand without reducing taxes on the other."

While the debate over taxes is largely framed in terms of smuggling, revenue and health, it does underline one very simple fact that governments ignore at their peril. People respond to taxes in ways that governments do not always want them to respond.

What is true of taxes on commodities is also true of taxes on earnings. If income taxes are higher in Canada than the U.S., then this will be a factor when our best and brightest decide where they are going to live and earn a living.

• (1910)

Honourable senators, beyond the technical changes to the GST and the timid steps taken in the last budget, what we really need are some significant tax cuts.

I shall not close on this subject without congratulating Senator Kolber for his comprehensive explanation of the bill. It is really a technical bill that does a lot of housekeeping. I thank him for that.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker *pro tempore*: Honourable senators, when shall this bill be read the third time?

On motion of Senator Kolber, bill referred to the Standing Senate Committee on Banking, Trade and Commerce.

WESTERN CANADA TELEPHONE COMPANY

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Fitzpatrick, seconded by the Honourable Senator Callbeck, for the second reading of Bill S-26, to repeal An Act to incorporate the Western Canada Telephone Company.

Hon. Gerry St. Germain: Honourable senators, I am pleased to provide the response for this side in the Senate to the motion for second reading of Bill S-26. I read carefully the excellent presentation of my British Columbia colleague Senator Fitzpatrick on this bill. He was as eloquent as ever and straight as he always is. What more can I say about the man? The one thing I find tough to believe is that he is a Liberal. Anyway, it was a good speech.

The purpose of this bill is to repeal the Act to incorporate the Western Canada Telephone Company, commonly known as the B.C. Tel Act. Some of this will be repetitious, honourable senators, but I think it is important that this be on the record.

The repeal of the B.C. Tel Act is really a matter of housekeeping, but it is important to British Columbians. As it stands, it is an outdated piece of legislation. It incorporated B.C. Tel in 1916 and imposed restrictions on its ability to compete in Western Canada. This is inconsistent with current telecommunications policy. By repealing it, we reinforce the ongoing objective of creating a competitive marketplace and a level playing field for all telephone companies across Canada. It will enable B.C. Tel to compete in Alberta, Saskatchewan and Manitoba, and it will stop discrimination against Western Canadians and our corporations.

I should like to point out that the need to repeal the B.C. Tel Act represents a milestone in the history of the telephone industry in Canada, particularly in British Columbia. Telecommunications has come a long way since the days when federal legislation was required to circumscribe the market of a telephone company.

Let me remind honourable senators of just how far telecommunications has come. Telephones were first installed in B.C. in 1878, in two locations on Vancouver Island. One was used to connect a mine and a loading dock. The other connected the home and the office of the superintendent of the British Columbia telegraphs — perhaps an early example of telecommuting. Telephones on the mainland soon followed. As early as the 1880s, Canadians used telephones for communications to overcome the tough terrain that we live with in British Columbia. Responding to those kind of challenges has put Canadian telecommunications at the forefront of a global industry.

In 1916, Parliament passed An Act to incorporate the Western Canada Telephone Company, and three years later the Western Canada Telephone Company merged with the British Columbia Telephone Company Limited and took the name The British Columbia Telephone Company, or B.C. Tel for short. The legislation did more than incorporate B.C. Tel. It included provisions to clarify the sphere where B.C. Tel could operate.

There are two principal types of restrictions that this act imposes on B.C. Tel. The first is contained in section 17 of the B.C. Tel Act. It involves competition in Western Canada, and in one British Columbia municipality, Prince Rupert. Under this section, if B.C. Tel wants to build or maintain facilities in Alberta, Saskatchewan or Manitoba, it must first obtain the consent of the Lieutenant Governor in Council of the respective province. The restriction was put in place in an era of provincial monopolies. It was meant to confine B.C. Tel to British Columbia.

The second type of restriction is contained in sections 8, 9 and 9(a) of the B.C. Tel Act. It requires B.C. Tel to obtain the consent of the CRTC prior to a disposal or sale of the entire undertaking or the acquisition of shares or property of another telecommunications company. No other company faces these kinds of restrictions. In all seriousness, I must ask Senator Fitzpatrick: Have we been discriminated against that badly for that long? That is terrible!

There are a few provisions in the B.C. Tel Act that deal with the articles of incorporation of the company and the rights of shareholders and bondholders. To protect shareholders and the third parties from potential loss of value, the bill before us requires a transition provision to preserve the statutory priority until the instruments are terminated in accordance with their terms.

The restrictions I just mentioned were placed on B.C. Tel as a way for the federal government to impose its jurisdiction. At the time, federal jurisdiction over telecommunications was not yet established. In fact, the issue of whether federal or provincial jurisdiction applied to telephone companies was not clarified until comparatively recently, through the 1989 Supreme Court of Canada decision in *Alberta Government Telephones v. Canada (CRTC)*. It found that Alberta Government Telephones and, by implication, all the other major telephone companies, was an

interprovincial undertaking under paragraph 92.10(a) of the Constitution Act of 1867. It was therefore subject to exclusive federal jurisdiction. B.C. Tel will continue to be regulated by the CRTC. The Telecommunications Act will continue to apply to it as well as to other carriers.

We must not forget that other aspects of the regulatory environment for telephone companies were changing as well. In 1993, the Telecommunications Act placed a strong emphasis on competition in the telephone industry. The CRTC also opened up long distance, and, shortly after, local rates to competition, and new technology was opening up enormous opportunities as telecommunications converged with information technology to create the information highway.

B.C. Tel faced new challenges but it was still operating under the 1916 act and the 1916 restrictions. In 1993, the company reorganized under a holding company, B.C. Telecom Inc., which was a key member of the Stentor Alliance which brought together companies in every province. However, in the increasingly competitive market that emerged with the deregulation of telecommunications industries in the 1990s, the Stentor Alliance dissolved as its member companies contemplated the need for competition in one another's provincial markets, which has been nothing but good for the consumer.

In this new environment, where telephone companies needed the size that provided efficiencies of sale and a critical mass to proceed with major capital projects, B.C. Tel merged with Telus Corporation, formerly Alberta Government Telephones, to form BCT.TELUS Communications Inc. Last month, the holding company formally changed its name to TELUS Corporation. Even the telephone operating company, known as B.C. Tel changed its name in October of 1999 to TELUS Communications B.C. Inc. This merger has created the second-largest telephone company in Canada.

Honourable senators, this legislation **has taken into consideration the needs of security holders, it has taken into consideration the articles of incorporation of the company.** The CRTC has been consulted and has advised that repeal of the B.C. Tel Act would not give rise to any regulatory concerns. The Competition Act will likely apply to the company with respect to mergers and acquisitions to the same extent that it currently applies to other telecommunications common carriers regulated under the Telecommunications Act. All four western provincial governments have been consulted, and each government has written a letter indicating they have no difficulty with repealing this act and removing this outdated restriction. There is no reason to continue the B.C. Tel Act, on these grounds.

Honourable senators, the regulatory framework now in place makes the features of the B.C. Tel Act redundant at best, and at worst inconsistent with current public policy on competition — restrictions that are inconsistent with the Telecommunications Act.

• (1920)

In closing, a fellow from Kelowna, from where Senator Fitzpatrick comes, who ran our province for years always said that if you do not stand for something you will surely fall for anything. W.A.C. Bennett, wherever you are, sir, this is another giant step forward, featuring Senators Fitzpatrick, St. Germain, and others. I urge all honourable senators to expedite the passage of this bill.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker *pro tempore*: Honourable senators, when shall this bill be read the third time?

On motion of Senator Fitzpatrick, bill referred to the Standing Senate Committee on Transport and Communications.

CRIMINAL CODE

BILL TO AMEND—REPORT OF COMMITTEE

Leave having been given to revert to Presentation of Reports from Standing or Special Committees:

Hon. Lorna Milne, Chair of the Standing Senate Committee on Legal and Constitutional Affairs, presented the following report:

Wednesday, June 28, 2000

The Standing Senate Committee on Legal and Constitutional Affairs has the honour to present its

NINTH REPORT

Your Committee, to which was referred Bill C-18, An Act to amend the Criminal Code (impaired driving causing death and other matters), has, in obedience to the Order of Reference of Thursday, June 22, 2000, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

LORNA MILNE
Chair

The Hon. the Speaker *pro tempore*: Honourable senators, when shall this bill be read the third time?

On motion of Senator Milne, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

PARLIAMENT OF CANADA ACT

BILL TO AMEND—THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Maheu, for the third reading of Bill S-5, to amend the Parliament of Canada Act (Parliamentary Poet Laureate).—(*Honourable Senator Lynch-Staunton*).

Hon. Jerahmiel S. Grafstein: Honourable senators, I move third reading of this bill.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read third time and passed.

SIR WILFRID LAURIER DAY BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Lynch-Staunton, seconded by the Honourable Senator DeWare, for the second reading of Bill S-23, respecting Sir Wilfrid Laurier Day.—(*Honourable Senator Grafstein*).

Hon. Jerahmiel S. Grafstein: Honourable senators, today I spoke at length about Sir John A. Macdonald. I feel equally strongly about Sir Wilfrid Laurier. I have no objection to this bill.

[*Translation*]

Hon. Marcel Prud'homme: Honourable senators, I should just like to say that there are a number of Canadians who admire Sir Wilfrid Laurier. MacKenzie King, Sir John A. Macdonald and Sir Wilfrid Laurier are certainly the most important prime ministers Canada has ever known, but Sir Wilfrid Laurier and Mackenzie King are the ones who have inspired me most in my research. I should like to take the opportunity afforded by this second reading of the bill, on the very day we have been discussing the possibility of eliminating the Senate from bills of major scope, to tell you that Sir Wilfrid Laurier would be furious that a bill calling for the elimination of the Senate would be brought to this chamber.

It seems that the debate will be over tomorrow, but we could get back to it another time. I find it extraordinarily strange that, the very day we are honouring Sir Wilfrid Laurier, we are dealing with the emasculation of one of the two houses, that is the Senate.

[English]

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

The Hon. the Speaker *pro tempore*: Honourable senators, when shall this bill be read the third time?

Senator Prud'homme: Now!

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, it is not our custom to deal with bills without reference to committee, and I suggest that we should not make an exception.

I am not sure to which committee Senator Lynch-Staunton wishes to refer it.

Senator Prud'homme: Committee of the Whole.

Hon. John Lynch-Staunton (Leader of the Opposition): I do not know to which committee it should go.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Committee of the Whole.

Senator Lynch-Staunton: Why not have third reading at the next sitting?

On motion of Senator Hays, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

• (1930)

SIR JOHN A. MACDONALD DAY BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Grimard, seconded by the Honourable Senator Atkins, for the second reading of Bill S-16, respecting Sir John A. Macdonald Day.—(*Honourable Senator Grafstein*).

Hon. Jeremiah S. Grafstein: Honourable senators, I have had the pleasure of rereading the words of the Right Honourable Sir John A. Macdonald who was then attorney-general of the legislative assembly. I suggest that all honourable senators who are interested in this bill refer to the parliamentary debates on Confederation of the British North America provinces. Start at page 2013 and move on for many dozens of pages to witness a grand display of his eloquence, foresight, thoughtfulness and interest.

I would point out to honourable senators that on one page there is a particular paragraph that is of interest where, in effect,

he talked about the Maritime union, as to whether or not the provinces of the Maritimes should join together. He said the only issue at that time was whether it should be a federation or a union, but there was clearly a desire on behalf of all those colonies to become not three but one people.

Based on that, I certainly support this bill because Sir John A. Macdonald's spirit is alive and well in Canada today.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and bill read second time.

The Hon. the Speaker *pro tempore*: Honourable senators, when shall this bill be read the third time?

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I move that this bill be placed on the Orders of the Day for third reading consideration at the next sitting of the Senate in the same manner as the bill dealing with Sir Wilfrid Laurier. That would give me an opportunity to consult on whether it should go to committee and, if so, which committee.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

PRIVILEGES, STANDING RULES AND ORDERS

EIGHTH REPORT OF COMMITTEE—MOTION IN AMENDMENT— DEBATE ADJOURNED TO AWAIT SPEAKER'S RULING

On the Order:

Resuming debate on the motion of the Honourable Senator Austin, P.C., seconded by the Honourable Senator Banks, for the adoption of the eighth report of the Standing Committee on Privileges, Standing Rules and Orders (changes to Rule 86), presented in the Senate on June 22, 2000.—(*Honourable Senator Roche*).

Hon. Douglas Roche: Honourable senators, I am glad to say that I support the eighth report of the Standing Committee on Privileges, Standing Rules and Orders as far as it goes. For example, the report seeks to establish two new committees of the Senate. The first would deal with defence and security matters. As Senator Rompkey so eloquently and effectively said last night, there is a great need for this committee. I should like also to pay tribute to the work of Senator Forrestall in this area and for bringing this issue forward.

The second proposed committee would deal with human rights. I will not belabour my support for human rights. I hope that I do not slight any member of the Senate by not mentioning their name in developing this subject as I mention the name of Senator Wilson, who has given distinguished leadership in this respect.

I must then ask myself from where this report comes? What happened to the clear understanding that prevailed? A clear understanding was confirmed last night by Senator Maheu, the former chairperson of the committee, that two issues concerning committees would be dealt with at the same time, in tandem. Those issues are the striking of two new committees, on defence and human rights, and the appointment of independent senators to serve on Senate committees.

As we all recall last year when the subject was debated as a result of the presentation of the ninth and eleventh reports of the Rules Committee, the two subjects were clearly linked and now they are separated. I have received no explanation for the separation. Indeed, I have sent off a raft of correspondence to various chairpersons and figures of authority in the Senate indicating my interest in advancing the subject of the appointment of independent senators to committees.

Last night, Senator Austin, whom I also compliment for his leadership, gave, I am sure, an accurate report of the proceedings when he said that there was no consensus in the committee on the issue of independent senators.

I must ask, what is this thing called "consensus" as applied to Senate duties? There is certainly no consensus on the great bills that are before us. We vote in this place. Indeed, to have something called "consensus" prevail over the appointment of independent senators seems to allow a veto to be given to one, two or three senators. I do not believe that is the way the Senate should or is intended to operate. Our rule book certainly does not say that independent senators cannot be members of committees.

Given the time, I will spare honourable senators the history of this matter. With respect to independent senators' issues, I have looked at that history. To date, 820 persons have been appointed to the Senate of Canada since 1867. Of those, 11 have identified themselves as independent senators. Inasmuch as five of those 11 are sitting in the Senate today, I do believe this is a relevant issue.

For a long time, independent senators were appointed to sit on Senate committees. In fact, they have even chaired committees on occasion. For example, Senator Hartland Molson, well known and highly respected in this chamber, was the acting chairman of the Standing Senate Committee on Transport and Communications in 1958 and 1961. Our present colleague Senator Pitfield, who is also an independent, was chairman of a special Senate committee on the Canadian Security Intelligence Service in 1983. Thus, the precedent is clearly established for independent senators to be full members of standing Senate committees.

• (1940)

Honourable senators, there was a change in the rules in 1991. I was not here. I had no part of it, and I shall not recite the history of that period, which is probably well known to many senators here. However, the net result of that change in committee memberships was that independent senators were not to be appointed to committees. A few years later, in 1994, this issue surfaced and a survey was taken here in the Senate on the question of whether independent senators should be appointed to committees. The results showed that 87.1 per cent of the respondents in the Senate thought that independent senators should be able to sit on committees, and 9.7 per cent felt that they should not.

On this question of the designation of an independent senator, I pick up in the conversational traffic around here that there is perhaps some possibility of a creeping misunderstanding about the status of an independent senator. I feel obliged to say, in drawing this to honourable senators' attention tonight, that it is not by some whim that a senator comes in here and says that he or she chooses to be an independent because they do not wish to belong to one party or other. For example, when I was appointed, an official document was issued by the Prime Minister's Office, under the date of September 17, 1998, called "Appointments to the Senate." One sentence in that document read: "Mr. Roche will sit as an Independent Senator." The word "independent" is written with a capital "I." The status is recognized in the appointment process.

Honourable senators, I find that I have but one recourse in this matter, which I might say respectfully has gone on for too long to correct the anomaly. I have but one recourse, which is the Constitution of Canada. The Constitution says that the Governor General shall summon qualified persons to the Senate, which is the process by which we all arrived here. The Constitution does not say that you must belong to a particular political party in order to enjoy the rights of the Senate. It is, therefore, very clear to me that a perpetuation of the present situation will allow a second-class status to prevail. I do not think that honourable senators want that to happen. Thus, I am sweeping aside every other issue and asking honourable senators to bring their attention the deep principle that I am espousing here at this moment, which is the equality of all senators. No one senator comes in here and asks for something that other senators do not have.

Correspondingly, I believe that no one senator should come in here and be deprived of something that other senators have. Therefore, I do believe it is time to act in respect of an amendment to the eighth report. In a moment, I shall read the language of an amendment that I shall submit, and honourable senators will recognize the language, since I drew it from the eleventh report. This is language that has been vetted. The eleventh report got caught in a quagmire, and I am letting that go, but I am now saying that I believe it is time to move forward on this issue.

MOTION IN AMENDMENT

Hon. Douglas Roche: Therefore, honourable senators, I move, seconded by the Honourable Senator Rompkey:

That the Eighth Report of the Standing Senate Committee on Privileges, Standing Rules and Orders be amended by adding, before "Respectfully submitted," the following words:

"Also, that the *Rules of the Senate* be amended as follows:

a. by adding a new Rule 85(2.2)(a):

"(2.2)(a) The Committee of Selection may make a recommendation to the Senate that two additional members be added to any standing committee."

b. by adding a new Rule 85(2.2)(b):

"(2.2)(b) Senators may apply to sit on a standing committee either by application to their respective whip or directly to the Committee of Selection."

Honourable senators, I ask your consideration of this amendment.

POINT OF ORDER

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): On a point of order, I think this motion is out of order because it is not congruent with the motion that Senator Austin has made. It is way beyond the scope of the motion that is before us. An examination of the report of the committee that is before us does not deal with the matter that is raised in this motion, and I think that it is indeed even contrary to the proposal that has come forward as reported in the report from the Standing Committee on Privileges, Standing Rules and Orders. Therefore, until we dispose of the motion that we have before us, we cannot have a different kind of motion brought in. I believe that motion is out of order.

Hon. Eymard G. Corbin: Honourable senators, on the same point of order, my interpretation of that motion is that it would have the effect of the Senate deciding not to receive this proposal at this time, but sending the report back to committee for further consideration. That, to me, is the net effect of the rules.

Hon. Jack Austin: Honourable senators, on the question of congruence, it is not a problem for the Standing Committee on Privileges, Standing Rules and Orders to see the recommendation that two new committees be struck added to by a process by which senators may be chosen to serve through the Committee of Selection. I am, however, uncertain how to respond to the point that Senator Corbin made. I have not had the opportunity to consider the rules and I wonder if some other senator could assist in this respect.

The Hon. the Speaker: Honourable senators, are there any other comments on the point of order?

Hon. John Lynch-Staunton (Leader of the Opposition): It is interesting to point out that Senator Maheu was chairman of the committee and she brought the two issues down in two separate reports.

• (1950)

It is confusing Senator Austin's report by introducing an issue which is completely separate from the subject matter of his report. Therefore, I would suggest that the most efficient way to proceed would be to leave the decision on amendment to the Senate Rules Committee which may give an assessment of it in a separate report if it feels so inclined.

Hon. Douglas Roche: On the point of order, in defending my own motion with respect to congruence, I pointed out that, last year, these two issues were conjoined in the ninth and eleventh reports of the committee and, furthermore, Senator Maheu confirmed that the committee was discussing both issues in tandem. Thus, my argument is that the present report is incomplete, having regard to the original intention of what was to be attempted.

The Hon. the Speaker: Does any other senator wish to speak to the point of order?

Honourable senators, my recollection is that the normal procedure to be followed in the event that an amendment is to be made, is that the report is sent back to the committee with instructions. However, I shall be happy to review the rules again to ensure I am correct. Therefore, I shall take the matter under advisement.

Hon. Shirley Maheu: Since His Honour is taking the matter under advisement, I should point out that in the second part of the eleventh report he will find a referral under the subheading "additional members on committee."

The Hon. the Speaker: I must advise Senator Maheu, that I cannot accept anything further.

Senator Maheu: I should ask His Honour if I may be permitted to ask a question of the previous speaker when the point of order has been accepted.

The Hon. the Speaker: The matter has now proceeded beyond any further comment.

Debate adjourned to await Speaker's ruling.

INTERNAL ECONOMY, BUDGETS
AND ADMINISTRATION

ELEVENTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the eleventh report of the Standing Committee on Internal Economy, Budgets and Administration (budgets of certain Committees), presented in the Senate on June 27, 2000.—(Honourable Senator Rompkey, P.C.).

Hon. Bill Rompkey: I move the adoption of the report.

Motion agreed to and report adopted

DISTINGUISHED CANADIANS AND THEIR INVOLVEMENT WITH THE UNITED KINGDOM

INQUIRY—ORDER STANDS

On the Order:

Resuming debate on the inquiry of the Honourable Senator Cools calling the attention of the Senate:

(a) to persons of Canadian birth who sat as members of the House of Commons of the United Kingdom, including Ontario-born Edward Blake, Liberal Minister of Justice of Canada 1875-1877 also Leader of the Liberal Party of Canada 1880-1887, and New Brunswick-born the Right Honourable Bonar Law, Prime Minister of the United Kingdom 1922-1923, and Ontario-born Sir Bryant Irvine Deputy Speaker of the House of Commons of the United Kingdom 1976-1982;

(b) to persons of Canadian birth who sat as members of the House of Lords of the United Kingdom, including the Right Honourable Richard B. Bennett, Prime Minister of Canada 1930-1935, and Lord Beaverbrook, Cabinet Minister in the United Kingdom in 1918 and 1940-1942;

(c) to persons of British birth born in the United Kingdom or the Dominions and Colonies who have served in the Senate and the House of Commons of Canada including the Right Honourable John Turner, Prime Minister of Canada 1984 also Liberal Leader of the Opposition 1984-1990 and myself, a sitting black female Senator born in the British West Indies;

(d) to persons of Canadian citizenship who were members of the Privy Council of the United Kingdom including the Prime Ministers of Canada, the Supreme Court of Canada Chief Justices, and some Cabinet Ministers of Canada including the Leader of the Government in the Senate 1921-1930 and 1935-1942 the Right Honourable Senator Raoul Dandurand appointed to the United Kingdom Privy Council in 1941;

(e) to the 1919 Nickle Resolution, a motion of only the House of Commons of Canada for an address to His Majesty King George V and to Prime Minister Richard B. Bennett's 1934 words in the House of Commons characterizing this Resolution, that:

"That was as ineffective in law as it is possible for any group of words to be. It was not only ineffective, but I am sorry to say, it was an affront to the sovereign himself. Every constitutional lawyer, or anyone who has taken the trouble to study this matter realizes that that is what was done.";

(f) to the words of Prime Minister R. B. Bennett in a 1934 letter to J.R. MacNicol, MP that:

"So long as I remain a citizen of the British Empire and a loyal subject of the King, I do not propose to do otherwise than assume the prerogative rights of the Sovereign to recognize the services of his subjects.";

(g) to the many distinguished Canadians who have received honours since 1919 from the King or Queen of Canada including the knighting in 1934 of Sir Lyman Duff, Supreme Court of Canada Chief Justice, and in 1935 of Sir Ernest MacMillan, musician, and in 1986 of Sir Bryant Irvine, parliamentarian, and in 1994 of Sir Neil Shaw, industrialist, and in 1994 of Sir Conrad Swan, advisor to Prime Minister Lester Pearson on the National Flag of Canada;

(h) to the many distinguished Canadians who have received 646 orders and distinctions from foreign non-British, non-Canadian sovereigns between 1919 and February 1929;

(i) to the legal and constitutional position of persons of Canadian birth and citizenship, in respect of their ability and disability for their membership in the United Kingdom House of Lords and House of Commons, particularly Canadians domiciled in the United Kingdom holding dual citizenship of Canada and of the United Kingdom;

(j) to the legal and constitutional position of Canadians at home and abroad in respect of entitlement to receive honours and distinctions from their own Sovereign, Queen Elizabeth II of Canada, and to the position in respect of their entitlement to receive honours and distinctions from sovereigns other than their own, including from the sovereign of France the honour, the Ordre Royale de la Légion d'Honneur;

(k) to those honours, distinctions, and awards that are not hereditary in character such as life peerages, knighthoods, military and chivalrous orders; and

(l) to the recommendation by the United Kingdom Prime Minister Tony Blair to Her Majesty Queen Elizabeth II for the appointment to the House of Lords as a non-hereditary peer and lord of Mr. Conrad Black a distinguished Canadian, publisher, entrepreneur and also the Honorary Colonel of the Governor General's Foot Guards of Canada.—(*Honourable Senator Cools*).

Hon. Marcel Prud'homme: Honourable senators, Senator Murray once, when I was alone in my corner, was gracious enough to second one of my motions, but afterwards he added, "But that does not mean, Senator Prud'homme, that I shall vote for you." I did the same last week when a colleague asked for a vote. I do not like to be isolated, and neither do I like to isolate a colleague. That is the reason why last week I may have done something that surprised some people.

We all know that a lot of work has been done in the course of this inquiry. The more I read about it, the more I find it scholarly and interesting, and the more I find that justice should be done to it by leaving it on the Order Paper.

[Translation]

Hon. Eymard G. Corbin: Honourable senators, I wonder whether Senator Prud'homme is entitled to speak to the inquiry listed under the name of Senator Cools. I am a bit confused about the procedure being followed at the present time, and should like to know whether Senator Cools has spoken to this motion.

The Hon. the Speaker: The inquiry was made by the Honourable Senator Cools. She is entitled to respond.

According to the rules:

A Senator who has moved the second reading of a bill or made a substantive motion or an inquiry shall have the right of final reply.

This is indeed an inquiry, and Senator Cools certainly spoke in making it.

Senator Corbin: My question has been clarified. I beg your pardon for the interruption.

[English]

Senator Prud'homme: Senator Cools may wish to stay for a few minutes since I am speaking on her inquiry to ask that it not die on the Order Paper. I have already said enough, in fact, more than I said in speaking to my own inquiry which is No. 15. However, if someone wants me to talk longer, I would be more than happy to accommodate them. I should think that you all have had enough. I see that Senator Adams, the chief whip, Senator DeWare, and everyone seems to be of the opinion that I have said enough in order to save this inquiry. Therefore, I shall turn it back to Senator Cools.

Hon. Anne C. Cools: I shall move the adjournment.

The Hon. the Speaker: I should remind the Honourable Senator Cools that if she does that, then she will preclude any other senator from speaking to it because she will, in effect, be closing the debate. Perhaps it would be better to stand the matter.

Senator Cools: I do not mind, honourable senators. I am very generous. If anyone else wants to speak, I shall be happy to yield.

Hon. J. Michael Forrestall: It cannot be done that way.

Senator Cools: Then let it stand.

Order stands.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

COMMITTEE AUTHORIZED TO STUDY HEALTH CARE SERVICES AVAILABLE TO VETERANS OF WAR AND PEACEKEEPING MISSIONS

Hon. Mabel M. DeWare, for Senator Meighen, pursuant to notice of June 20, 2000, moved:

That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine and report on the health care provided to veterans of war and of peacekeeping missions; the implementation of the recommendations made in its previous reports on such matters; and the terms of service, post-discharge benefits and health care of members of the regular and reserve forces as well as members of the RCMP and of civilians who have served in close support of uniformed peacekeepers;

That the Committee report no later than June 30, 2001; and

That the Committee be permitted, notwithstanding usual practices, to deposit its report with the Clerk of the Senate, if the Senate is not then sitting; and that the report be deemed to have been tabled in the Chamber.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

• (2000)

CONSTITUTIONAL ROLE OF SENATE

MOTION—DEBATE ADJOURNED

Hon. Nicholas W. Taylor, pursuant to notice of June 27, 2000, moved:

That the Senate of Canada views with grave concern the increasingly frequent practice of the House of Commons to debate and pass legislation which ignores the constitutional role of the Senate, the rights of our aboriginal peoples and official minority language groups;

That the Senate will continue to maintain its legitimate constitutional status by amending any bill that fails to recognize the constitutional roles enjoyed by both Houses of Parliament; and

That a Message be sent to the House of Commons to acquaint that House accordingly.

He said: Honourable senators, this is the moment the whole chamber has been waiting for.

Senator Prud'homme: You bet.

Senator Taylor: The purpose of the motion is plain, old-fashioned, practical politics. I know the independents do not agree with that, but it is politics with a capital "P." I have moved that we send a motion to the House of Commons deploring their ignoring the constitutional role of the Senate, the rights of our aboriginal people, and official minority language groups.

Senator Kinsella: Sold out!

Senator Taylor: There seems to be a mass exodus of senators from the chamber. I, too, find myself sandwiched between the adjournment motion and the Energy Committee that is supposed to be meeting right after this session adjourns.

This is a simple motion, honourable senators. It is as political as the dickens. I must admit, having spent some 14 years in opposition and a few years in this place, that I have always found that politics as developed in Westminster and since the time of the Magna Carta and our mother of Parliaments works better than getting up, beating the table and discussing how many angels dance on the head of a pin.

There seems to be no question that a great many senators feel that official minority language groups have been left out occasionally when legislation was sent over from the House of Commons. Certainly that applies to our aboriginal peoples. My colleague Senator Chalifoux and I have been on a number of committees, along with Senator Watt, and time and again they have had to remind individuals — and I do not mean only MPs and senators but also civil servants of the day — that aboriginal people have been left out of some of the drafting and, lastly, of the constitutional role of the Senate. I shall spend more time on the constitutional role of the Senate because there is no question that we must raise time and time again the rights of official minority language groups and the rights of aboriginal peoples. It is like hitting a mule over the head to get its attention. There is no way that the House of Commons and the bureaucracy will pay attention unless they are continually reminded. This one motion will not do that, but it is one step in the right direction.

As far as the role in the Senate is concerned, we have all been reminded of the fact that it is not incorporated into the bicameral process as much as it should.

One must realize that although I put this motion forward, there is much more than just the House of Commons. I am sure honourable senators realize that the Thompson newspapers, the *Sun* newspapers and Lord Black's newspapers are all headquartered in Ontario, so the political writers in this country are down here where they are paid the most and can be next to the head office where they have the best chance of being promoted. There is an ethos or atmosphere out there that continually hammers at them to abolish the Senate. If a person is from Ontario, he or she has every right to think that, especially if they do not think far enough ahead of Confederation, because Ontario represents darn near double the number of people in the House of Commons percentage wise than it does in the Senate. Also, Ontario represents perhaps 75 per cent of the governing party's caucus. Lord bless their happy, pointed little heads for voting Liberal, but, nevertheless, there is an attitude and an outlook in this capital that is continually anti-Senate. Whether it is Mr. Jack Aubrey or whomever, no sooner do they move down here than they want to appeal to Lord Black, Lord Thompson and *The Sun* to be promoted up the line. The most fashionable thing is to run out and take a kick at the Senate, ignoring completely that Canada would go down the drain quicker with the absence of the Senate than it ever would with the absence of Quebec. This country would not hold together if it did not have the Senate or a bicameral system. There is no way it could survive. A unicameral system would not survive.

Admittedly, someone put forward a similar motion in one of the earlier bills — and I shall not mention the name — but this motion is a sure way of getting the message across completely divorced from a bill or anything else. The point I want to get across, in particular as a westerner, is that the Senate has a key position because it represents regions and minorities.

Senator Nolin: We know that!

Senator Taylor: This point must be hammered and hammered at again because civil servants are the people who draft legislation. Members of the House of Commons are dominated by the idea that if running this country were left up to God and Ontario, everything would be fine. That is not so. The fact of the matter is that if we are to get anywhere, we must divorce this question from the bill of the day, whichever bill that happens to be, and look at the question of whether or not the Senate is being ignored.

I looked at some statistics, honourable senators, and I have used something prepared by Minister Dion — examples of legislation where Parliament had given the House of Commons a role that was given to the Senate. He referred to 14 bills from 1985 to 1997. Bills in which the Senate was overlooked or shuffled off to the side used to run on average one every year or two, but we are now seeing three bills a year. Right now, there are two bills in the process that are shuffling the Senate to the side. I am not speaking about something hypothetical; it think it is very real.

If honourable senators pick up the newspaper tomorrow, you will read that the Senate is defending itself. That is true, but we are also defending the Constitution. Whether we are elected in the future or appointed in the future or anointed in the future or descend from the heavens in the future, it does not matter; we need a bicameral system. I am not arguing how this house is put together and how it will be appointed. I notice the House of Lords recently came up with a system where the winning party and the opposition party appoint roughly two-thirds of the new House of Lords, and the other third is appointed by an impartial body. I am not arguing about how we get here. I am simply saying that we should take our minds off who is in the Senate, although sometimes that is hard to do.

Honourable senators, those are the reasons I put forward this motion. I hope it gets the support of a large percentage of the house. Do not look at it as a political bill. I notice one of my opponents is hiding his head. I do not know if it is in pride or in shame because he took some pride in saying that he knew me some years ago.

Senator Prud'homme: Shame on you!

Senator Taylor: Honourable senators, this motion combines the most obvious faults we see in legislation coming to this chamber. I am referring to the power of the Senate, aboriginal peoples and minority language groups.

The hour is late and I have said enough, honourable senators.

[Translation]

Hon. Marcel Prud'homme: Honourable senators, I will not ask any questions. If anyone wishes to ask questions, that is fine. I wish to participate in the debate.

Honourable senators, Senator Taylor's motion, the very day when — I think it was the same senator who spoke — he gave me irrefutable proof of his intention. I am going to be very precise. I know that the translation will be very precise as well. There is an expression that says that making a fool of one's self is not harmful to one's health. I said one's health, not the senator's health. It is a very commonplace expression. At the very time when we have before us at least three amendments to Bill C-20.

[English]

• (2010)

One on the right of our aboriginal people to be consulted, one on the official minority language group, and especially the one on legislation which ignores the constitutional role of the Senate.

[Translation]

The very same day, he moved a motion.

[Senator Taylor]

Hon. Pierre Claude Nolin: The same bill!

Senator Prud'homme: The same bill. Senator Taylor informed us this afternoon what he intends to do in tomorrow's vote, to everyone's surprise moreover. Everyone is entitled to his opinion.

[English]

For Senator Finnerty, I will correct myself and what she may have understood me to say.

[Translation]

Everyone is entitled to his opinion. Democratic debate means trying to convince each other, that is obvious. I have never dared say, or if I have, I withdraw anything offensive I might have said this afternoon. Honourable senators have the right to vote as they wish tomorrow. We are entitled to try to impress each other. I do not like to see people arrive here with their minds made up, regardless of what my brilliant colleague Senator Spivak might say on the subject, with which she is very familiar.

So the esteemed honourable senator is leading us to a resolution. I do not know how the vote will go tomorrow, honourable senators. We still have one night to think it over and a lot of work will still be done overnight, although perhaps a little less than this afternoon, in order to get the desired vote tomorrow. I do not know. The angels of the night will surely be at work, along with the whips.

However, the fact that this motion comes at the same time as we are deciding on the exact same proposals by the honourable senator strikes me as — I dare not say outrageous — at least rather odd. I would have understood it happening at the next session, in October. I would even have supported it then, but not today. We will be the total laughing stock of the other House. I have no complexes about that other place, none whatsoever. I was proud to be there for 30 years. I am now here, and proud of that. I have no lectures to give them, nor any to receive from them. When the people of Canada decide what they want to do with the institutions, they will let us know.

[English]

Not the scholars, not the professors and not the editorialists, but Canadians will decide what to do with the institution. They may decide to change the House of Commons more than to change the Senate when they get to it, because if there is a place that needs to be changed, it is the House of Commons. I am sure Senator Bacon will agree with me. Any institution can be abolished, and that may even apply to heads of state.

The more Senator Bacon wants me to leave this topic, the more I will speak to it, so I would suggest that she be patient. As I said, anyone who has heard enough can leave.

[Translation]

I think that Senator Bacon would like to speak. No? If you wish to speak, please rise. I would encourage my colleagues to listen to her again, but I would certainly not encourage my colleagues to vote in favour of this motion. Senator Taylor, is that really, the very day that he has spoken to us about the importance of not amending Bill C-20, speaks to us about the importance of bills. I think that he could perhaps ask for this debate to be adjourned until the fall.

[English]

Hon. Noël Kinsella (Deputy Leader of the Opposition): Honourable senators, would Senator Prud'homme entertain a question?

Senator Prud'homme: Certainly.

Senator Kinsella: The new ambassador of Canada to Paris, Raymond Chretien, is quoted in this week's edition of *Maclean's* magazine as saying, with reference to the Americans:

You have to stand up to the Americans. They only respect you if you do.

Senator Prud'homme, let "PMO" replace "Americans" in that quote. Does the honourable senator agree that you have to stand up to the PMO, and that, "They only respect you if you do"?

Senator Prud'homme: I am so thrilled to hear that question. I could talk, if I had the permission of the Senate, until at least midnight. That is exactly the point I am making. We must send a message to these people, as we must send a message to the people of the PMO. Raymond Chretien has been an excellent ambassador for Canada for over 35 years.

Hon. Senators: Hear, hear!

Senator Prud'homme: Yes, you can applaud, because he has served my country very well. He is not a political appointee. He was there long before Mr. Chrétien was in charge, so I shall stand up for him. Have no doubts about that.

What a beautiful quote. Had I read that before, I would have used it. I must admit that I shall read it now, in fact, I shall do that tonight. Perhaps we should send it by special messenger to the Prime Minister, after, of course, making the appropriate change. He may not have read it. We can say, "Here is what Raymond has said," namely, that the time has come to stand up to the PMO, and see the reaction. What a beautiful quote. I hope you will make a speech based on that quote.

Senator Kinsella: I appreciate what the honourable senator said about Raymond Chretien because when he was the associate under-secretary of state at External Affairs, I had the privilege to be the associate under-secretary of state at Secretary of State, so I know him very well.

My second question to Senator Prud'homme is simply this: In his understanding of Senator Taylor's motion, does the principle of retroactivity apply?

Senator Taylor: Pass it tonight, then!

Senator Prud'homme: That is why I said that this could change a lot of minds. I should kindly suggest to our friend Senator Taylor that he reread his speech of this afternoon, and that he read the three amendments, one put by his colleague and friend beside him who nods in appreciation, Senator Watts, as well as those put forward by Senator Gauthier and Senator Grafstein. These three touch upon exactly what he is saying in his speech.

If Senator Taylor rereads his speech of this afternoon and the speech that he made this evening on the resolution, he may surprise everyone tomorrow, as he surprised us this afternoon.

On motion of Senator Kinsella, debate adjourned.

[Translation]

REVIEW OF ANTI-DRUG POLICY

BUDGET REPORT OF SPECIAL COMMITTEE ON ILLEGAL DRUGS PRESENTED AND ADOPTED

Leave having been given to revert to report of Special Committee on Illegal Drugs:

Hon. Pierre Claude Nolin, Chair of the Special Committee on Illegal Drugs, presents the following report:

Wednesday, June 28, 2000

The Special Committee on Illegal Drugs has the honour to present its

FIRST REPORT

Your Committee, which was authorized by the Senate on April 11, 2000 to reassess Canada's anti-drug legislation and policies, respectfully requests that it be empowered to engage the services of such counsel and technical, clerical, and other personnel as may be necessary, and to adjourn from place to place within and outside Canada.

The budget was presented to the Standing Committee on Internal Economy, Budgets and Administration on Tuesday, June 27, 2000. In its Eleventh Report, the Internal Economy Committee recommended that an amount of \$170,062 be released for this study. The report was adopted by the Senate on Wednesday, June 28, 2000.

Respectfully submitted,

PIERRE CLAUDE NOLIN
Chair

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Senator Nolin: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(g), I move that the report be now adopted.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

POINT OF ORDER

Hon. Eymard G. Corbin: Honourable senators, in reading the committee's report, the clerk mentioned the amount of \$160,000, when the report says \$170,000.

The Hon. the Speaker: In fact, the report gives the amount as \$170,062. The point of order has been accepted. We shall change the amount accordingly.

Motion agreed to and report adopted.

[*English*]

ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

Hon. Dan Hays (Deputy Leader of the Government), with leave of the Senate and notwithstanding rule 58(1)(h) moved:

That when the Senate adjourns today, it do stand adjourned until tomorrow, Thursday, June 29, 2000, at 1 p.m.

Motion agreed to.

The Senate adjourned until Thursday, June 29, 2000, at 1 p.m.

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(HANSARD)

Thursday, June 29, 2000

THE HONOURABLE GILDAS L. MOLGAT
SPEAKER



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THE SENATE

Thursday, June 29, 2000

The Senate met at 1 p.m., the Speaker in the Chair.

[Translation]

Prayers.

THE SENATE

INTRODUCTION OF NEW PAGES

The Hon. the Speaker: Honourable senators, before I proceed with Senators' Statements, I should mention that yesterday we gave certificates and a farewell to the pages who are leaving us.

Today, I should like to introduce Diedrah Kelly, the chief page, and Chloe McAlister, deputy chief page, who will be with us next year.

After the ceremony this morning for the Famous Five, honourable senators can see that women are also taking over here.

SENATORS' STATEMENTS

THE SENATE

COMITY WITH HOUSE OF COMMONS

Hon. Jack Austin: Honourable senators, my purpose in speaking today is to express a sincere regret that since the last federal election in 1997, the Senate has been visited with and is continuing to experience a series of legislative and rhetorical events the effect of which, if not design, is to weaken the links of comity between Parliament's two legislative chambers on which so much of the effectiveness of a working Parliament must be based.

Certainly, we are aware of the continuing debate in the country regarding the nature and structure of an upper house in the Canadian parliamentary system. The Senate is on record on many past occasions as welcoming informed discussion about reform. The delay in holding an open and direct review is not caused by this chamber.

If I find that my Senate colleagues share my concern about these recent events, I may propose, later in this session, that we send a message to the other place inviting them to a formal conference to discuss the reform of Parliament.

Some Hon. Senators: Hear, hear!

HOMELESS WOMEN

Hon. Lucie Pépin: Honourable senators, even if Canada is a good country to be born in and to live in, we still have poverty. According to a study by Monica Townson, of the Canadian Centre for Policy Alternatives, the poor make up close to 19 per cent of our population.

Honourable senators, today I should like speak to you of a type of poverty that is not much talked about, but is increasing in our country: homelessness. In particular, I wish to talk about homeless women. Theirs is a reality that is present in most major Canadian cities, and even some regional centres, including Trois-Rivières, which is in my district. The homeless that one sees in our streets are mainly men, but there are also homeless women. They are merely less visible.

Homelessness means adopting a lifestyle that is extremely precarious; it means hunger and thirst, exposure to all manner of dangers and diseases; it means not being able to wash or to rest properly in a bed; it means lack of health care and very often lack of recognition.

Homelessness for women is all that and more. It means using soup kitchens dominated by men; it means separation from one's children and being the object of their disapproval; it means trading sexual services for a meal or to avoid sleeping in a public park in the cold when all of the city's shelters are full; it also means being exposed to sexual aggression. Homeless women are also at risk of unwanted pregnancies and they do not always have access to terminations.

While homelessness among women is definitely less common than among men, it is growing very quickly. Yet very few beds are available for homeless women. For example, in Quebec City, only about 10 per cent of emergency beds are available to these women. Homelessness hits women very early on. In Montreal, the average age of homeless women is 17, but some of them are as young as 13 or 14. Homelessness among women is synonymous with drugs and prostitution. According to some Quebec data recently published in *La Gazette des femmes*, nine out of ten homeless young women aged 17 take daily injections of cocaine or heroin and, to support that habit, must deal with criminal gangs that often turn them into sex slaves or force them to take part in criminal activities. The public has little sympathy for homeless women. It is not easy for society to recognize that the socialization process as applied to women has failed and is even deemed undesirable by some young women. Such an attitude by society has to do with the fact that homeless women suffer various mental problems more often than homeless men do. Consequently, they are more dependent on medication than men are.

Honourable senators, I am asking you to reflect on our values and priorities as a society. Considering that Canada is perceived as a great place to live with a very progressive charter of rights, can we let an increasing number of people live in poverty? This is a contradiction that casts a shadow on the simple justice in which Canadian society believes.

[English]

NEWFOUNDLAND VIKING CELEBRATIONS

Hon. Ethel Cochrane: Honourable senators, a few days ago, a 22.5-meter-long replica of Leif Eriksson's Viking ship left Iceland. The ship, called the *Islendingur*, meaning "Icelander," is re-enacting the famous explorer's voyage to North America 1,000 years ago. It has a nine-member crew headed by Gunnar Eggertsson, who is a descendant of Leif Eriksson. The voyage of the *Islendingur* marks the beginning of a summer-long Viking celebration in Iceland, Greenland, the United States and Canada, but especially in my province of Newfoundland and Labrador.

Thousands of visitors will be travelling to Newfoundland's northern peninsula headed for L'Anse aux Meadows where Eriksson is believed to have first landed 1,000 years ago. The original Viking settlement was lost for many centuries, but it was discovered in 1961 by a team of Norwegian archaeologists at L'Anse aux Meadows on the tip of the Northern Peninsula. It is a national historic site and, according to the Newfoundland Tourist Bureau, it is the first location in the world to be recognized by UNESCO as a World Heritage Site of cultural significance.

There will be Viking celebrations throughout Newfoundland this summer but especially on the Northern Peninsula. Near L'Anse aux Meadows National Historic Site, there will be Norse stead. That is a grand encampment where up to 100 people will re-enact life during the Viking age, including battles, weddings and day-to-day traditional Viking food and culture. The highlight of the summer will be the arrival of a flotilla of 10 to 12 Viking boats from around the world, led by the *Islendingur* at L'Anse aux Meadows on July 28.

The *Islendingur* will then spend 25 days in Newfoundland waters, visiting nine ports of call on the west coast, the south coast and the Avalon Peninsula. I encourage all honourable senators, your families and friends to take advantage of this perfect opportunity to learn first-hand about the earliest European settlement on our shores and the Vikings' exploration of our coast.

• (1320)

Honourable senators, please make a heritage visit this summer to Newfoundland's west coast and northern peninsula. I can assure you that you will have a grand time.

UNITED NATIONS

HUMAN DEVELOPMENT INDEX—TOP RANKING OF CANADA

Hon. Joan Cook: Honourable senators, I am pleased to rise today on the eve of Canada's birthday to announce that for the seventh consecutive year, Canada has been ranked number one among 174 countries in the United Nations Human Development Index.

The index is part of the annual report released by the United Nations Human Development Program. It measures life expectancy, adult literacy, education and income distribution. Canada received the top spot in recognition of our high life expectancy, adult literacy rates and standard of living. As the Prime Minister stated earlier today:

Scoring first place on the HDI has become common for Canada over the last decade, but has never become commonplace. If anything, year after year of achieving such remarkable recognition has only whetted our appetite to ensure that our quality of life is not only sustained but enhanced.

AGRICULTURE AND AGRI-FOOD

HISTORICAL SUPPORT FOR FARM PRICES

Hon. Leonard J. Gustafson: Honourable senators, today the Standing Senate Committee on Agriculture and Forestry will table a report on farm prices. I should like to read into the record a previous comment on a report from the archives.

Under the Conservative Government of Prime Minister John Diefenbaker the farmers of Canada have at long last been given realistic and effective farm price supports. This is part of a larger program to raise the standards of living for Canadian farmers...

Honourable senators must take into consideration that this was written in the 1950s.

Deliberate attempts have been made to misrepresent this legislation. The reason is obvious. Opposing parties are afraid that farmers will find out that this Conservative Government has, in a few short months in office, done more to meet their real needs than any other administration in history.

It is our job to tell the farmers the facts in plain, positive and powerful terms.

Canadian farmers have long sought:

GUARANTEED FARM PRICES related to their costs of production and the cost of what they have to buy.

GUARANTEED FARM PRICES set in advance to the Crop Season.

GUARANTEED MINIMUM FARM PRICES in the event of a general economic decline affecting all prices.

The article then goes on to say that it is:

...necessary to ensure that the prescribed prices for an agricultural commodity in effect from time to time shall bear a fair relationship to the cost of production of such commodity.

THE SENATE

EXPRESSION OF APPRECIATION FOR EMPLOYEES AND SENATORS' STAFF

Hon. Mabel M. DeWare: Honourable senators, as we prepare at last to leave this place for the summer, I should like to take this opportunity to say a few words about some very important people. Those are the many Senate employees and senators' staff who work hard, and make it possible for us in this chamber to do our work.

In expressing appreciation for all that they do, I speak both as an individual senator and on behalf of my colleagues on this side of the chamber. Certainly, the senators opposite also share the appreciation.

Without their tremendous support provided by employees and staff, the Senate would not be able to function as efficiently as it does. Thanks to their support, whether direct or indirect, we are able to serve Canadians well.

In the chamber we benefit from the dedication of the Table officers who help keep our business on track. Our various needs are looked after by our cheerful and willing pages who also assist us outside the Chamber. Senate security also does a fine job. The interpreters assure that we all understand one another in English and French. Do not forget our reporters who are responsible for the printed word.

Of course, we would not get a thing accomplished if we did not get guidance from the Speaker and Speaker *pro tempore*.

In committee, we rely on the professionalism of clerks, other staff in the Committees Directorate, the law clerk and his office and the Library of Parliamentary researchers.

We are also able to run our offices efficiently thanks to all the work that is performed on behalf of the Senate administration. In

particular, the messengers and maintenance workers deserve a lot more credit than I think they often get.

I should like to say a big thank you to all the employees and staff who make our work possible. I wish one and all a wonderful summer.

Hon. Senators: Hear, hear!

THE LATE JOHN ARAB

TRIBUTE

Hon. Francis William Mahovlich: Honourable senators, I should like to speak today on the passing of John Arab. In the year 323 B.C., Alexander the Great met his maker. In 1962 A.D., Frank Mahovlich was married to Marie Devaney, who was his maker.

At our wedding, the Saint Michael's Cathedral All Boys' Choir sang under the leadership of John Arab, Canada's leading tenor at the time. Mr. Arab studied entirely in Canada, first in his native Halifax, then at the Banff School of Fine Arts and the Royal Conservatory of Music in Toronto.

One of his teachers, Monsignor J. E. Ronan, the founder and first director of the St. Michael's Choir school, told him to listen to the great tenors, Enrico Caruso, Benjamino Gigli, and Jussi Bjorling.

He made his debut with the Canadian Opera Company 1958, singing the tenor lead, Count Almaviva, in Rossini's *Barber of Seville*. He also had roles in *Othello*, *Falstaff*, *la Bohème*, *Così fan tutte*, *Die Fledermaus*, and *Macbeth*.

In 1967, he created the roles of O'Donaghue and Lemieux in the COC production of Canadian composer Harry Somer's *Louis Riel*. He sang in the opera's revivals in 1968 and 1975.

John Joseph Arab was born of Lebanese immigrants in 1930, beginning his career as a soloist in St. Mary's Cathedral in Halifax. He joined the St. Michael's Boys Choir in 1954 where he studied under Ernesto Vinci.

In 1971, Mr. Arab married mezzo-soprano Kathleen Ruddell and family obligations made him retire from the COC in 1977 to teach music with the Toronto Catholic District School Board.

Among his proteges is Michael Burgess, best known for his role as Jean Valjean in the musical *Les Misérables*.

I would now show my appreciation to John Arab for not only singing at my wedding, but also for contributing so much to the musical world for which Canada is well known around the world.

Vive la Canadienne, vole, mon coeur vole!

NOVA SCOTIA

VISIT TO OTTAWA BY 2ND WELLINGTON
CUB SCOUT PACK OF HALIFAX

Hon. J. Michael Forrestall: Honourable senators, I rise today with pride to draw your attention to the 2nd Wellington Cub Scout Pack's visit to Parliament Hill and the Senate as their millennium project. They were in the gallery yesterday.

The 41 or so Cubs and 30 parents, all of whom, incidentally, crowded into my modest office downstairs at one point, came by train as far as Montreal. Due to the lateness of the train, they took a bus to Ottawa. They made it in time for the Senate.

Can you imagine the Cub Scouts' experience to get to Ottawa, a chance to view a part of the beauty that is Canada. They will spend several days here in the nation's capital, including Canada Day, July 1, 2000, our birthday. To their parents and Cub Scout Pack leaders, it is a worthy trip, in my opinion, and one that deserves mention.

What better way is there to train citizens and leaders of the future than to afford them the opportunity to see and visit the nation's capital and watch the nation's business being reviewed and legislated here in the Senate. What better way than to see the Speaker of the Senate execute his duties with fairness and with honesty; to see our dear colleagues yesterday, Senators Stollery, Nolin and Kinsella, debating great issues and great concerns of today and likely the laws of tomorrow; to see our pages, of whom we are so proud, execute their duties with professionalism and, perhaps, to see an opportunity for a son or a daughter of Wellington to fund an excellent Canadian education when those Cubs grow up and decide to go to university. Thus, they will learn something of government and citizenship during their visit here. They will also learn about resourcefulness.

• (1330)

Some senators may remember that I asked the Leader of the Government in the Senate 10 days or so ago a question about these kids. These Cub Scouts came to Ottawa, and they did it on their own, raising over \$31,000. They held bake sales, flea markets, bottle drives, dances — I would have loved to have seen that, because they are all 10, 11 or 12 years old — and an auction to meet their goal. They fell \$6,000 short. However, I have an assurance. I trust the Leader of the Government in the Senate to rectify the situation because, you see, Wellington is in Halifax county, where the Leader of the Government in the Senate today may very well be an aspiring member of Parliament in a matter of months.

Senator Kinsella: Maybe he will stay for the afternoon!

Senator Forrestall: Honourable senators, we should be proud of these people and their leaders. They are citizens of a great country who came here yesterday to learn first-hand more about what their teachers had been teaching them in their classes throughout the winter.

Honourable senators, you saw the Cub Scouts and their leaders quietly watching in the gallery. They were polite and respectful, as they were when they were in my office and downstairs in that great wonderful chamber, the Aboriginal Room.

The Hon. the Speaker: Honourable Senator Forrestall, I regret to interrupt, but your three-minute speaking period has expired.

Senator Forrestall: Let me just say —

The Hon. the Speaker: I am sorry, honourable senator.

Senator Forrestall: Will His Honour sit me down after all these months?

The Hon. the Speaker: I am sorry, but the rules state that I must stop honourable senators after three minutes.

THE SENATE

CEREMONY ON OPENING OF FAMOUS FIVE EXHIBIT

Hon. Sheila Finestone: Honourable senators, I think it is appropriate to thank the Senate, the senators and, in particular, His Honour the Speaker, for chairing a ceremony today to honour the memory of five special persons — five women who, in effect, are responsible for one-third of the members of this house. It was through their efforts that the British Parliament determined that we women are persons.

I had a great sense of pride as I watched the Mistress of Ceremonies, Mary McLaren, as Usher of the Black Rod, chair the session so effectively and pleasantly in English and in French. All who surrounded the maquette appreciated her, as well as Deputy Prime Minister Herb Gray, who pointed out that the millennium fund had enabled the development of this project. That money will ensure that the statue will be installed on Parliament Hill on October 18, 2000, right behind the Senate, where for the first time women were able to bring their particular perspective to the governing of this land. It is not a better perspective, nor a worse perspective — it is just a different experience, which is very important.

I hope all senators who have not had an opportunity to do so will go to look at this maquette and to recognize these extraordinary five women. They are quite extraordinary. I thought that the women who addressed us, Mrs. Frances White, President and CEO of the Famous Five Foundation, and Senator Vivienne Poy, who is one of the benefactors, did a superb job. We are all very proud.

When you look at Emily Murphy, honourable senators, please remember that this Famous Five woman was a tough and committed visionary who was determined to enfranchise women. She worked to establish the wife's right to one-third of her husband's estate, and she was the first female magistrate in the Commonwealth.

I should like you to remember when you look at Henrietta Muir Edwards that she was a dedicated woman who supported divorce on equal grounds, spoke to prison reform and the introduction of mother's allowances.

When you look at Louise McKinney as she is sitting in her chair, recall that she was the first woman to sit as a member of a legislative assembly in Canada after being elected in 1917 in Alberta, the first election at which Canadian women could vote or run for office. They are well advanced in Alberta.

Irene Parlby was the first woman awarded an honorary Doctorate of Laws from the University of Alberta — once again, Alberta. She successfully sponsored the Minimum Wage for Women Act, and she spent her life supporting initiatives to improve the lives of women and children.

Last, and far from least, is Nellie McClung. I know His Honour is quite proud of Nellie McClung. When I visited the Lieutenant-Governor's home, I found a series of Nellie McClung's books on his shelf, which was quite impressive. Although she did not attend school until she was 10 years old, she became a teacher by the time she was 16. Through her efforts, in 1916, Manitoba became the first province to give women the right to vote and the right to run for public office.

Honourable senators, I wish to thank Frances Wright, and I want to particularly thank Barbara Paterson, who created the design. Please look at how beautiful this maquette is and enjoy the fact that you were the sponsors of equality for woman in Canada.

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, before I proceed to the next item, I should like to remind honourable senators that at 3:30 p.m. today all proceedings will be stopped for the purpose of calling the votes on Bill C-20. The voting will begin at 4 p.m.

Honourable senators, there are five amendments before us now, and you will find them all in the *Order Paper and Notice Paper*, starting at page 1. If there is any question as to the amendments, they are all there.

I suggest that we begin by voting, as is the normal practice, on the last amendment proposed and then work our way up to the main motion, unless the Senate has a different view. As I say, that is the standard practice when dealing with subamendments.

If there are no other comments, we will start with the fifth amendment, unless there are further amendments today.

ROUTINE PROCEEDINGS

PRESENT STATE AND FUTURE OF AGRICULTURE

INTERIM REPORT OF AGRICULTURE AND
FORESTRY COMMITTEE ON STUDY PRESENTED

Hon. Leonard J. Gustafson, Chair of the Standing Senate Committee on Agriculture and Forestry, presented the following report:

Thursday, June 29, 2000

The Standing Committee on Agriculture and Forestry has the honour to present its

FOURTH REPORT

Your Committee, which was authorized to examine the present state and the future of agriculture in Canada, and to present its final report no later than June 29, 2001, has, in obedience to its Order of Reference of November 24, 1999, proceeded to that inquiry and now tables an interim report entitled, *Repairing the Farm Safety Net to Meet the Crisis: Simple, Successful and Sustainable*.

Respectfully submitted,

LEONARD J. GUSTAFSON
Chair

PARLIAMENT OF CANADA ACT MEMBERS OF PARLIAMENT RETIRING ALLOWANCES ACT

BILL TO AMEND—REPORT OF COMMITTEE

Hon. E. Leo Kolber, Chair of the Standing Senate Committee on Banking, Trade and Commerce, presented the following report:

Thursday, June 29, 2000

The Standing Senate Committee on Banking, Trade and Commerce has the honour to present its

EIGHTH REPORT

Your Committee, to which was referred the Bill C-37, An Act to amend the Parliament of Canada Act and the Members of Parliament Retiring Allowances Act, has examined the said Bill in obedience to its Order of Reference dated Wednesday, June 28, 2000, and now reports the same without amendment.

Respectfully submitted,

E. LEO KOLBER
Chair

Senator Lynch-Staunton: Shame!

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Senator Kolber: With leave of the Senate and notwithstanding rule 58(1)(g), I move that the bill be read the third time now.

The Hon. the Speaker: Is leave granted, honourable senators?

Senator Kinsella: No.

The Hon. the Speaker: Leave is not granted; therefore, the bill will be placed on the Orders of the Day for third reading at the next sitting of the Senate.

• (1340)

QUESTION PERIOD

BANKING, TRADE AND COMMERCE

CANADIAN TAXPAYERS FEDERATION—REQUEST TO APPEAR
BEFORE COMMITTEE DURING STUDY OF BILL C-37

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I have a question for the Chairman of the Standing Senate Committee on Banking, Trade and Commerce.

The Hon. the Speaker: The honourable senator is absent at the moment.

Senator Kinsella: In the absence of the chair, I will put my question to the deputy chair. In the absence of the deputy chair, perhaps I can put my question to the Leader of the Government.

Honourable senators, earlier today a report was tabled with reference to Bill C-37, which was referred to the Banking Committee last night. I have in my hands a copy of a letter from the Canadian Taxpayers Federation requesting an opportunity to appear before the Senate committee that is studying Bill C-37. The letter indicates that the federation is deeply concerned about the Senate's intention to pass Bill C-37 without any public consultations. Was the request of the Canadian Taxpayers Federation to appear before the Banking committee taken into consideration?

Hon. E. Leo Kolber: Yes, honourable senators. We only received the letter by fax this morning. As of last night, we had no such request. We thought we would serve the greater good by passing the bill now, thereby making sure that those affected will not be punished, should an election be called before September.

Honourable senators, this is not a partisan issue. Most members in the House of Commons voted for the bill. I am not

certain about the Conservatives, but members of the Bloc and the Reform did. We felt that we were serving the greater good, and we felt comfortable in passing the bill.

REQUESTS OF ORGANIZATIONS TO APPEAR
BEFORE COMMITTEE DURING STUDY OF BILL C-37

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): My understanding, honourable senators, and thus my supplementary question to the chairman of the committee, is that a number of other community groups wish to express their view as to the merits of Bill C-37, as well as to the details.

Honourable senators from time to time may observe from the Hansard of the other place the speed with which certain bills are passed by MPs, particularly a bill of this type, which is in their own personal interest. Given that interest and given the indecent speed with which this bill went through the other place, is it not the responsibility of this house to give a bit of deliberation to Bill C-37? It is not even 24 hours since we concluded second reading. Will the Banking Committee look at the requests that are coming in and hold appropriate hearings?

Hon. E. Leo Kolber: Frankly, I do not have an answer to that question. I do not know. I doubt it very much. Also, to be called indecent at my age is kind of flattering. Thank you.

THE SENATE

COMMENTS IN NEWS ARTICLE ATTRIBUTED TO SPOKESWOMAN
OF OFFICE OF LEADER OF THE GOVERNMENT

Hon. Anne C. Cools: Honourable senators, I have a question for the Leader of the Government in the Senate. It is in respect of a newspaper article in *The Globe and Mail* dated Thursday, June 29, 2000. The article is entitled "Liberals confident Senate will approve clarity bill; Divided Red Chamber to vote today on Bill C-20." The article, written by Daniel LeBlanc, states:

A spokeswoman for the Liberal Leader in the Senate, Bernie Boudreau, predicted that today's vote will be tight.

My questions for the Leader of the Government are: One, in a parliamentary system, what is a spokeswoman? Two, who is Jennifer Austin? Three, why is Jennifer Austin, whoever she may be, making public comments and speculation about votes in the Senate that have not yet occurred?

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, I wish to thank the honourable senator for making me aware of that report. I appreciate her concern. I am not aware of the story. Jennifer Austin works as a communications officer in my office.

Senator Cools: Perhaps, honourable senators, His Honour could inform Jennifer Austin that her job does not include speaking for senators.

REQUEST TO POSE QUESTION TO CHAIR OF
SPECIAL SENATE COMMITTEE ON BILL C-20

Hon. Anne C. Cools: Honourable senators, my next question is to the chairman of the special committee for the study of the clarity bill, Senator Joan Fraser. I attempted to ask this question a few days ago, and Senator Fraser was shielded from having to answer the question; therefore, I should like to put the question again.

The Hon. the Speaker: Honourable Senator Cools, I regret to say that I must object. I must object to your wording. I simply do not accept it, Senator Cools, and I would ask you to retract. I did not "shield."

Will you please sit down. When the Speaker stands, senators sit.

I did not shield Senator Fraser. I observed the *Rules of the Senate*. That committee no longer existed and there was no possibility of asking questions of the honourable senator. I would ask Senator Cools to retract her statement about my shielding.

Senator Cools: Honourable senators, if I have offered any offence to His Honour, I would be happy to retract, but the fact of the matter is —

The Hon. the Speaker: Senator Cools, there are no facts about the matter — this is the rule. I would ask you immediately to retract.

Senator Cools: In fact, I just said that if I have offended His Honour, I would be happy to apologize.

The Hon. the Speaker: Then there are no further comments on the issue. You have retracted and the matter stops.

Senator Kinsella: Question!

Senator Cools: Honourable senators, I have reviewed the order of reference in respect of the special committee of which Senator Fraser was or is the chairman. My review of the order of reference shows that the committee is still very much in existence. In other words, that committee is still available to refer any matters in respect of Bill —

The Hon. the Speaker: Honourable Senator Cools, that committee has reported. On the conclusion of its report — it is a special committee — it has ceased to exist.

Senator Cools: That is not so, Your Honour.

Senator Mercier: Order, order!

The Hon. the Speaker: There are no further questions to be asked of the chairman of the committee. Your references are most offensive, Senator Cools.

Senator Cools: Honourable senators, I am sorry that His Honour is taking this so personally, but the reference includes —

The Hon. the Speaker: Senator Cools, it is not a matter of my taking it personally; it is a matter of my taking it as the Speaker of the Senate. The honourable senator is going against the rules. I have said that and the Honourable Senator Cools will not listen.

Senator Cools: There is no rule.

The Hon. the Speaker: You may ask the Leader of the Government any question you wish, but you cannot ask questions of the chairman of a committee who is no longer the chairman of a committee that does not exist.

Senator Cools: Very well, honourable senators, I shall ask my question of the Honourable Leader of the Government in the Senate.

CLARITY BILL

ALLEGED COMMENTS BY CHAIR OF SPECIAL SENATE COMMITTEE

Hon. Anne C. Cools: Honourable senators, I have examined the reference that constituted the special committee. According to that reference, the committee is still very much extant and in existence.

• (1350)

Special committees, when constituted, usually have pertaining to them a date of dissolution. This date is usually the same as the date the committee reports. According to my reading of the order of reference, the committee is still very much in existence. For example, if, for a ridiculous reason, something were to happen today, which is unlikely, then the Senate is in a position to return the bill to the committee.

My question, again, to the Senate leader — because the answer that was given last time was not satisfactory to me — is that I should like to know what the government thinks of the statement that was made by Senator Fraser in which a judgment was cast on the Senate's work in respect of the GST and the Free Trade Agreement.

It is my clear recollection that the Senate activities and the proceedings that ensued during the GST and the Free Trade Agreement were very much at the behest of the Liberal Party under the leadership of Senator MacEachen. I followed Senator MacEachen with some diligence and pride. I should like to know what the current Leader of the Government thinks of that statement.

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, I do not know that I follow fully the question of the honourable senator. I think the original question concerned a newspaper report of some comment allegedly made by some senator. I indicated at the time that I was not prepared to comment on newspaper reports. I have long ago learned that that can be a dangerous practice. I would certainly be happy to discuss this issue or any other matter at greater detail outside the chamber with the honourable senator, but I do not think I can respond to her question as she might wish.

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I have a response to a question of March 21, 2000, from Senator Angus regarding job creation and possible mismanagement of funds, request for statistics on jobs created; a response to a question of April 6, 2000, by Senator Stratton regarding the growth of the Employment Insurance Fund, disbursement of surplus funds; a response to questions of May 17, 2000, by Senator Lynch-Staunton and Senator Roberge regarding the data bank on details of private citizens, verification of accuracy of information and availability of information to other departments; a response to a question of June 15, 2000, by Senator Roche regarding Canada's participation in removal of anti-personnel mines from Kosovo; a response to a question of June 19, 2000 by Senator Roche regarding financial support for lawsuits by former students of residential schools.

[Translation]

I have the response to a question asked in the Senate by Senator Prud'homme on June 19, 2000 concerning the possibility of diplomatic relations with North Korea. I have the response to a question asked by Senator Bolduc on June 21, 2000 relating to negotiations on the favoured exemption from International Traffic in Arms Regulations.

[English]

I have a response to a question of June 22, 2000, from Senator Andreychuk regarding the current political situation in Cameroon; a response to a question of June 22, 2000, by Senator Forrestall regarding the replacement of Sea King helicopters, procurement process request for statement of requirements.

[Translation]

I have the response to a question asked by Senator Rivest on June 27 concerning the allocation of funds for Canada Day Celebrations in Quebec.

[English]

HUMAN RESOURCES DEVELOPMENT

JOB CREATION PROGRAMS—POSSIBLE MISMANAGEMENT OF FUNDS—REQUEST FOR APOLOGY

(Response to question raised by Hon. W. David Angus on March 21, 2000)

Concerning Placétéco and Human Resources Development Canada's (HRDC) Transitional Jobs Fund (TJF): on March 4, 1997, HRDC approved a \$2.04-million Transitional Jobs Fund project with Aérospatiale Globax. The project had received the support of the Government of Quebec on March 3, 1997.

The purpose of this project was to create jobs and help diversify the economy in the Trois-Rivières region, in the case of Technipaint, and the Shawinigan region, in the case of Placétéco. At the time, these regions had an unemployment rate of over 12 per cent.

In the spring of 1998, the company experienced difficulties. The Department had two choices: do nothing and allow existing jobs to disappear or work to maintain these jobs and help create new jobs. The Department decided to work with the company to continue the project. The original company now exists as two companies, Technipaint and Placétéco.

As of March 3, 170 people were working in this area of high unemployment, due in large part to HRDC's help. When the project was first approved, there were 64 people working at Placétéco, 49 at Technipaint and 6 at Aérospatiale Globax. At various times, there were as many as 135 employees working at Placétéco. Technipaint signed a contract with Bombardier for the painting of 82 Regional jets and has 92 people working in Trois-Rivières. Placétéco signed a 5-year contract for \$8M with a major aeronautical company, Bell Helicopter. There were 78 people working at Placétéco.

The Transitional Job Fund (TJF) was designed to create employment opportunities for Canadians in areas of high unemployment. The TJF was been replaced by the Canada Jobs Fund.

GROWTH OF EMPLOYMENT INSURANCE FUND—DISBURSEMENT OF SURPLUS FUNDS

(Response to question raised by Hon. Terry Stratton on April 6, 2000)

The cumulative EI surplus is expected to be \$27,782 million at the end of the 1999-2000 fiscal year. The surplus for the 1999-2000 fiscal year alone was \$6,805 million.

DATA BANK ON DETAILS OF PRIVATE CITIZENS—
VERIFICATION OF ACCURACY OF INFORMATION—
AVAILABILITY OF INFORMATION TO OTHER DEPARTMENTS

(Response to questions raised by Hon. John Lynch-Staunton and Hon. Fernand Roberge on May 17, 2000)

A number of requests have already been received from Canadians for access to a copy of what information was held on them in the Longitudinal Labour Force File.

HRDC is responding as quickly as possible to these requests and is working with the Privacy Commissioner to ensure protection of privacy in responding to the requests.

With the help of the Privacy Commissioner and the Employment Insurance Commission, a protocol was developed for reviewing the information to ensure that it is correct. Measures have also been developed to ensure that the right information is transmitted to the right individual.

Contrary to media reports, no one will be asked to resubmit their information request. While the Longitudinal Labour Force File no longer exists, HRDC will still honour the information requests.

For requests received **up until June 30, 2000**, HRDC will make arrangements with the Canada Customs and Revenue Agency to provide the information that was part of the file which has since returned to them.

After this date, privacy requests will need to be made separately to HRDC and the Canada Customs and Revenue Agency.

As has been stated in the House of Commons, the HRDC Longitudinal Labour Force File has now been dismantled and the information is being sent back to the originating departments.

Insofar as whether this information is available to the RCMP, there have been no known requests from the RCMP or CSIS to access the information in the Longitudinal Labour Force File and they did not have direct access to the Longitudinal Labour Force File.

UNITED NATIONS

CANADA'S PARTICIPATION IN REMOVAL OF ANTI-PERSONNEL MINES FROM KOSOVO

(Response to question raised by Hon. Douglas Roche on June 15, 2000)

The United Nations (UN) has indeed issued an official statement regarding Canadian participation in the de-mining effort in Kosovo, by way of its Under-Secretary-General for

Peacekeeping operations, Mr. Bernard Miyet. In his declaration, which took the form of a letter to the Globe and Mail Editor, Mr. Miyet said that the context of intervention in Kosovo was such that Canada and other donor countries were "entering new and largely uncharted territory." He then states that early problems relating to de-mining in Kosovo were rapidly settled and that Canada's contribution in those projects was greatly appreciated by the UN. Mr. Miyet concludes by reiterating the UN's appreciation for sustained Canadian efforts in mine action programs throughout the world and underlines Canada's important leadership role in this field.

As for the current situation on the ground in Kosovo, we now have a second demining team that was deployed last week. They will therefore have time to contribute in a significant matter to relieve Kosovo's mine problem before the start of winter.

CHURCH COMMUNITY

INDIAN AFFAIRS—FINANCIAL SUPPORT FOR LAWSUITS BY FORMER STUDENTS OF RESIDENTIAL SCHOOLS— GOVERNMENT POLICY

(Response to question raised by Hon. Douglas Roche on June 19, 2000)

The government has long recognized and accepted the responsibilities it has for the abuses that occurred within the Indian Residential School System. The government apologized to the former residents of these schools that are victims of physical and sexual abuse in 1998. At that time, the government also set aside \$350 million which was granted to the Aboriginal Healing Foundation and is now being used to fund initiatives nation-wide that are addressing the legacy of abuse at residential schools.

With respect to the litigation that has been brought forward, the Minister of Indian Affairs and Northern Development is pleased to report that over 300 claims have now been settled by the government out-of-court. Regrettably, a number of claims could not be settled and have proceeded to trial. In the decisions we have received to date, the courts have held that the churches clearly share responsibility for what happened at these schools. At one school, the church was found to have an even greater share of the liability than the government.

The first residential schools were created by the churches and formed part of the churches missionary experience here in Canada. Since 1874 the government and the churches worked together in the development and administration of these schools. The churches are not blameless for what happened at these schools and must contribute toward resolving these claims to the best of their ability.

We believe that these institutions should accept responsibility for their activities and for the risks they create by virtue of those activities — especially the risks of child abuse. Religious organizations played a significant role in the development and administration of residential schools. Canada is fully prepared to accept and deal with its responsibility, and seeks to have the churches do the same to the extent of their ability.

We cannot comment on the finances of the churches or their capacity to pay out their legal responsibilities. At this time it is impossible for us to determine the ability of the various church bodies to meet their legal liabilities due to a lack of information on matters such as assets, revenues or insurance coverage. The government is asking that the churches work with us to help us consider their ability to meet their obligations arising from litigation.

FOREIGN AFFAIRS

DIPLOMATIC RELATIONS WITH NORTH KOREA— GOVERNMENT POLICY

(Response to question raised by Hon. Marcel Prud'homme on June 19, 2000)

The Government of Canada adopted a policy of “engagement” toward North Korea more than two years ago. This policy has meant an escalation in the amount of contact and dialogue between officials of the two governments, in addition to encouragement and support for academic exchanges, activities of non-governmental organizations and private contacts. In December of 1999, a delegation of working level Foreign Affairs officials accompanied a group of academics to Pyongyang and undertook extensive discussion of regional security, trade, investment, humanitarian and cultural issues. In March 2000, a return visit to Ottawa of North Korean Foreign Affairs officials occurred which focussed on presenting and illustrating the three pillars of Canadian foreign policy: peace and security, economic prosperity, and Canadian values and culture. Attention was focussed on Canada’s democratic institutions, including the House of Commons, Canada’s tradition of peacebuilding and human security, and its involvement in multilateral organizations of all types. Additional visits are planned, and with each encounter the level of mutual understanding increases, and the ability of the two sides to exchange views on the substance of issues is enhanced. This government-to-government engagement is intended to lead, in due course, to normal bilateral relations. The pace of this evolution will be gauged to North Korea’s commitments and actions.

CANADA-UNITED STATES RELATIONS

NEGOTIATIONS ON FAVOURED EXEMPTION FROM INTERNATIONAL TRAFFIC IN ARMS REGULATIONS— REQUEST FOR UPDATE

(Response to question raised by Hon. Roch Bolduc on June 21, 2000)

- The NORAD agreement and the agreement on remote sensing will not eliminate problems resulting from the April 1999 amendments to the Canadian Exemptions provisions of the US International Traffic in Arms Regulations or ITAR.
- These agreements cover separate issues and have been subject to separate negotiations.
- Canada has been aggressively pursuing a resolution with the US to restore licence-free access to unclassified, controlled defence and aerospace-related US goods and technology. On June 16, 2000, the Minister of Foreign Affairs and the US Secretary of State issued a joint statement announcing agreement on a package of regulations and legislative measures designed to achieve this objective.
- It will take several months to complete the legislative and regulatory changes stemming from the agreement reached with the US. However, the package of measures agreed to with the US will have long-term benefits for Canadian industry.
- Bill S-25, “An Act to amend the Defence Production Act”, was introduced in the Senate on June 14, 2000. This is the first step in restoring Canadian access to US goods and technology.

FOREIGN AFFAIRS

CAMEROON—CURRENT POLITICAL SITUATION— GOVERNMENT POLICY

(Response to question raised by Hon. A. Raynell Andreychuk on June 22, 2000)

Canada has repeatedly expressed its concerns over reported human rights abuses.

Canada is active in promoting good government and human rights in Cameroon.

Within the framework of our Aid program for Cameroon, Canada finances initiatives which strengthen democratic values and human rights.

Canada disburses \$4.5 million to support democratic development, human rights and good government in Cameroon.

We are following with great interest Cameroon's liberalization reform process.

NATIONAL DEFENCE

REPLACEMENT OF SEA KING HELICOPTERS—PROCUREMENT PROCESS—REQUEST FOR STATEMENT OF REQUIREMENTS

(Response to question raised by Hon. J. Michael Forrestall on June 22, 2000)

The Maritime Helicopter Project is the Minister's number one equipment priority. The Government continues to develop an appropriate procurement strategy to replace the Sea Kings.

The Government will ensure that the new helicopter meets the Canadian Forces' operational requirements. A Statement of Requirements is the basis of any major equipment project, and the Maritime Helicopter Project is no different. As the procurement strategy has yet to be finalized, it would be inappropriate to table the Statement of Requirements at this time. As the Minister has previously indicated, a number of issues must be carefully examined and other Government departments have to be consulted to ensure that the procurement strategy will lead to the right equipment and the best value for Canadians. The Government will make an announcement when all the issues have been addressed.

HERITAGE

QUEBEC—ALLOCATION OF FUNDS FOR CANADA DAY CELEBRATIONS

(Response to question raised by Hon. Jean-Claude Rivest on June 27, 2000)

- The higher allocation for the celebrations in Quebec is used by the Celebrate Canada Committee for Quebec to produce entertainment shows in Montréal (3 days) and in Quebec City (2 days) as well as shows in 13 regional centres (Laval, Trois-Rivières, Sherbrooke, Rouyn, Drummondville, Montmagny, Saint-Georges-de-Beauce, Chicoutimi, Rimouski, Baie-Comeau, Gaspé, Sorel, La Malbaie) attended by over 1.5 million people. This is a unique situation as none of the other Celebrate Canada Committees have to be producers of Canada Day celebrations in their jurisdiction.

- The allocation for Ontario does not include the celebrations of Canada Day in the national capital region, which are supported separately by the National Capital Commission. Information provided by the NCC indicates that \$2.0M is spent on Canada Day activities in the national capital region.

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I should like to call as the first order of government business Bill C-18. The reason is that if we deal with Bill C-18 now, and give it third reading it could be given Royal Assent; whereas, if we wait, it would not receive Royal Assent until the fall. A number of senators would like that to be the case. Thus, we shall come to Bill C-20 in a moment.

I would ask that Bill C-18 be called.

CRIMINAL CODE

BILL TO AMEND—THIRD READING

Hon. Ione Christensen moved the third reading of Bill C-18, to amend the Criminal Code (impaired driving causing death and other matters).

Motion agreed to and bill read third time and passed.

BUSINESS OF THE SENATE

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I should like to call as the next order of government business, Bill C-20. However, I ask leave to make a few comments so that it would be clear what I expect. I think I have agreement from my counterpart, Senator Kinsella, as to how this bill is to proceed.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Senator Hays: Honourable senators, we await a ruling from His Honour which I expect will be given before debate commences today on Bill C-20. When debate commences, in agreement with Senator Kinsella and in departure from what I had indicated on two previous occasions, that the last speakers would be the Leader of the Opposition and the Leader of the Government, we would provide Senator Adams with an opportunity to speak, assuming that he does not go past 2:15. By my information, he does not intend to do so, thus we would have the 75 minutes set aside for the two leaders to speak.

The other item I should like to draw attention to is the fact that Senator Boudreau will rise when I take my seat with a message that is relevant to Bill C-20 and also possibly relevant to the ruling that His Honour will give. We shall then proceed to hear Senator Adams.

BILL TO GIVE EFFECT TO THE REQUIREMENT FOR CLARITY AS SET OUT IN THE OPINION OF THE SUPREME COURT OF CANADA IN THE QUEBEC SECESSION REFERENCE

ROYAL CONSENT

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, I have the honour to advise this house that Her Excellency the Governor General is pleased, in the Queen's name, to give consent, to the degree to which it may affect the prerogatives of Her Majesty, to the consideration by Parliament of a bill entitled "An Act to give effect to the requirement for clarity as set out in the opinion of the Supreme Court of Canada in the Quebec Secession Reference."

The Hon. the Speaker: Honourable senators, in light of the statement by the minister, which is the proper course of action in that if such a statement is to be made it must be made by a minister, it is unnecessary for me to proceed with my ruling because Royal Consent has been given.

[Translation]

Hon. Eymard G. Corbin: Honourable senators, on behalf of my francophone colleagues, I would ask the Leader of the Government in the Senate to table the announcement he has just made in French as well, because I understood none of it.

[English]

Senator Boudreau: I would agree to do that. I shall table it now.

[Translation]

• (1400)

The Hon. the Speaker: Honourable Senator Corbin, having listened carefully to the statement by Senator Boudreau, I can tell you that it is a standard formula. I have it in French as well, if that is what the chamber wishes.

Senator Corbin: It is a vitally important document, and I should like to be able to understand it.

The Hon. the Speaker: In fact, it would be up to the Leader of the Government to read it.

[English]

The Hon. the Speaker: The statement must be made by a minister. Honourable Senator Boudreau has made it in English, but there is a request for it in French.

Senator Boudreau: Does His Honour wish me to read it in French?

The Hon. the Speaker: Yes.

[Translation]

Senator Corbin: Honourable senators, I was not asking for that much, just for the document to be tabled in French also so that all francophone senators may understand it.

The Hon. the Speaker: Honourable senators, the document is tabled in both official languages.

[English]

THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Hays, seconded by the Honourable Senator Graham, P.C., for the third reading of Bill C-20, to give effect to the requirement for clarity as set out in the opinion of the Supreme Court of Canada in the Quebec Secession Reference,

And on the motion in amendment of the Honourable Senator Watt, seconded by the Honourable Senator Adams, that Bill C-20 be amended in paragraph six of the Preamble to read as follows:

WHEREAS the Supreme Court of Canada has confirmed that, in Canada, the secession of a province, to be lawful, would require an amendment to the Constitution of Canada, that such an amendment would perforce require negotiations in relation to secession involving at least the governments of all of the provinces and the Government of Canada, **as well as representatives of the aboriginal peoples of Canada, especially those in the province whose government proposed the referendum on secession**, and that those negotiations would be governed by the principles of federalism, democracy, constitutionalism and the rule of law, and the protection of minorities;

and in subclause 3(1) to read as follows:

It is recognized that there is no right under the Constitution of Canada to effect the secession of a province from Canada unilaterally and that, therefore, an amendment to the Constitution of Canada would be required for any province to secede from Canada, which in turn would require negotiations involving at least the governments of all of the provinces and the Government of Canada, **and the representatives of the aboriginal peoples of Canada, especially those in the province whose government proposed the referendum on secession**.

And on the motion in amendment of the Honourable Senator Gauthier, seconded by the Honourable Senator Corbin, that Bill C-20 be not now read a third time but that it be amended.

(a) in clause 1, on page 3, by replacing line 40 with the following:

“resolutions by the Senate, any formal statements or resolutions by the representatives of the English or French linguistic minority population of each province, especially those in the province whose government is proposing the referendum on secession, any formal state-”; and

(b) in clause 2, on page 5, by replacing line 2 with the following:

“ate, any formal statements or resolutions by the representatives of the English or French linguistic minority population of each province, especially those in the province whose government proposed the referendum on secession, any formal statements or resolutions by”.

And on the motion in amendment of the Honourable Senator Joyal, P.C., seconded by the Honourable Senator Grafstein, that Bill C-20 be not now read a third time but that it be amended:

(a) on page 2, by adding the following after line 33:

“1. Subject to this Act, the Government of Canada must act at all times in accordance with the principle that Canada is one and indivisible.”;

(b) in clause 3, on page 5, by adding the following after line 24:

“(2) Where it has been determined, pursuant to section 3, that there has been a clear expression of a will by a clear majority of the population of a province that the province cease to be part of Canada,

(a) the Government of Canada shall consult the population of Canada, by national referendum, about the proposed secession; and

(b) after the national referendum, the Senate and the House of Commons may, by joint resolution, authorize the Government of Canada to enter into negotiations to effect the secession of the province from Canada, subject to the terms and conditions set out in the resolution.”; and

(c) by renumbering clauses 1 to 3 as clauses 2 to 4 and subclause 3(2) as (3), and any cross-references thereto accordingly.

And on the motion in amendment of the Honourable Senator Banks, seconded by the Honourable Senator Corbin, that Bill C-20 be not now read a third time but that it be amended, in clause 2, on page 5, by adding after line 15 the following:

“(5) The Government of Canada shall not enter into negotiations on the terms on which a province might cease to be part of Canada if, within 30 days of the House of Commons making a determination that there has been a clear expression of a will by a clear majority of the population of a province that the province cease to be part of Canada pursuant to subsection (1), such negotiations are objected to by at least three of the following:

- (a) Ontario;
- (b) Quebec;
- (c) British Columbia;

(d) two or more of the Atlantic provinces that have, according to the then latest general census, combined populations of at least fifty per cent of the population of all the Atlantic provinces; and

(e) two or more of the Prairie provinces that have, according to the then latest general census, combined populations of at least fifty per cent of the population of all the Prairie provinces.

(6) The following definitions apply in this section.

“Atlantic provinces” means the provinces of Nova Scotia, New Brunswick, Prince Edward Island and Newfoundland.

“Prairie provinces” means the provinces of Manitoba, Saskatchewan and Alberta.”.

And on the motion in amendment of the Honourable Senator Grafstein, seconded by the Honourable Senator Joyal, P.C., that Bill C-20 be not now read a third time but that it be amended:

(a) in clause 1,

(i) on page 2,

(A) by replacing line 34 with the following:

“1. (1) The Senate and the House of Commons shall, within”, and

(B) by replacing lines 40 and 41 with the following:

“Canada, consider the question and, by joint resolution, set out their determination on whether the”.

(ii) on page 3,

(A) by replacing line 7 with the following:

"dum question, the Senate and the House of Commons shall".

(B) by replacing line 32 with the following:

"dum question, the Senate and the House of Commons shall".

(C) by replacing lines 40 and 41 with the following:

"resolutions by the representatives of", and

(D) by replacing line 45 with the following:

"any other views they consider to be relevant", and

(iii) on page 4, by replacing line 4 with the following:

"the Senate and the House of Commons determine, pursuant"; and

(b) in clause 2,

(i) on page 4,

(A) by replacing lines 15 to 18 with the following:

"Canada, the Senate and the House of Commons shall, except where they have determined pursuant to section 1 that a referendum question is not clear, consider and, by joint resolution, set out their deter-".

(B) by replacing line 27 with the following:

"province cease to be part of Canada, the Senate and the House",

(C) by replacing lines 33 and 34 with the following:

"(c) any other matters or circumstances they consider to be relevant.", and

(D) by replacing line 38 with the following:

"province cease to be part of Canada, the Senate and the House", and

(ii) on page 5,

(A) by replacing lines 1 and 2 with the following:

"formal statements or resolutions by",

(B) by replacing line 6 with the following:

"on secession, and any other views they consider", and

(C) by replacing line 11 with the following:

"unless the Senate and the House of Commons determine,".

Hon. Willie Adams: Honourable senators, I know that my time is limited as both leaders wish to speak following me, but I should like to take a bit of time on Bill C-20.

I was born in northern Quebec. I ended up in Churchill, Manitoba, in 1953, after I left northern Quebec. Things were different at that time and a lot has changed since then.

I am extremely concerned about Bill C-20, especially regarding aboriginals in Canada, not only here but in Quebec. My relatives live in Quebec, as do the Cree.

Senator Banks made a statement yesterday on Bill C-20. He said that Bill C-20 is not only about Quebec and aboriginals in Quebec but also about people across Canada.

My English is not as good as that of my colleague Senator Watt, so I should like to yield to Senator Watt to deliver my speech and answer any questions should they arise as a result of my speech. I shall be speaking to Senator Watt in Inuktitut, and he can answer you in English after.

Hon. Charlie Watt: Honourable senators, I hope what we are doing here is in order.

Honourable senators, inside and outside this chamber, we have heard time and again that there is no need for a specific provision in Bill C-20 to guarantee the participation of aboriginal peoples in future negotiations on secession. We are being told that section 35 of the Constitution Act, 1982 guarantees such participation.

On June 27 last, the Honourable Senator Murray went to the heart of the matter when he said:

Does section 35 of the Constitution Act, 1982 provide adequate guarantees for the aboriginal peoples of Quebec, who would be most directly affected by any attempt at secession?

His view was that section 35 is not a sufficient guarantee. In this, I concur.

Governments make constitutional commitments that they then often fail to implement or apply. Take the recent example of Bill C-23 or Bill C-47 or the gun legislation where the executive power says aboriginal concerns will be dealt with at the regulation stage.

Governments can also ignore constitutional convention. On September 28, 1981, the Supreme Court of Canada declared the federal patriation legislation unconstitutional because provincial rights had not been adequately protected in a unilateral process. Moreover, this legislation was crucial, as is claimed for Bill C-20.

To illustrate my doubts, I shall contend that section 35 of the Constitution Act, 1982 has been subject to steady erosion throughout the Bill C-20 process and since its beginning.

Erosion had unfolded over several phases. The downgrading of section 35 commenced when the Supreme Court of Canada was asked in 1998 not to consider the issue of aboriginal consent if jurisdictions were changed. Then the government, instead of having recourse to the Supreme Court notion of "political actors" for purposes of deciding to negotiate, specified only the federal and provincial governments for purposes of such a decision. This restriction reflects political expediency and the desire for governments to have flexibility in the face of constitutional constraints.

A second phase occurred when the government rejected an amendment that confirmed aboriginal participation during debate on Bill C-20 in the House of Commons this spring. It merely accepted the vague commitment to take account of the views and resolutions of aboriginal people in considering where a question or a majority were clear. Honourable senators, this process is not even one of consultation.

Inconsistencies in a third phase marked the testimony made by the Minister of Intergovernmental Affairs before the special Senate committee on May 29, 2000. On the one hand, Mr. Dion said:

However it is certain that the Government of Canada has an obligation towards aboriginal peoples, a fiduciary obligation, and would have to respect it. We would need to respect section 35(1) of the Constitution of our country.

On the other hand, and in response to several questions as to aboriginal consent if jurisdictions were to change, Mr. Dion had this to say:

The court has said that nothing would be decided in advance — nothing would be decided in advance of the negotiations.

We noted once more the emphasis on expediency and the emphasis on the need to limit parties to possible negotiations. We are being told by the executive power, "trust us." For our part, however, we prefer to place our trust in the rule of law, beginning with the basic law of our land, the Constitution.

Some Hon. Senators: Hear, hear!

Senator Watt: Since, we have witnessed a further erosion of section 35 during our own debate in this chamber. We have been told, for example:

...the Constitution does not presently provide for aboriginal peoples to be a party to negotiations at this level of the amendment-making process.

Since 1982, there has been only one comprehensive and successful amendment process; it took place in 1983 with

modifications to section 35. Such modifications required aboriginal participation and consent.

I signed the agreement between the government and the aboriginal people. Therefore, constitutional convention requires aboriginal consent and participation on issues directly affecting aboriginal people. However, the constitutional convention cannot be ignored. This is why we should ensure that provisions to guarantee aboriginal participation be incorporated into legislation on clarity.

• (1410)

Such provisions would provide comfort to all Canadians. When the rights of one people are neglected, the rights of all are neglected. If section 35 is eroded, other constitutional rights will be eroded. We must follow the path of fairness for all through both amendments on aboriginal participation.

Hon. John Lynch-Staunton (Leader of the Opposition):

Honourable senators, making sport of the Senate has become a Canadian pastime, and one that even its most diligent members must put up with. I like to think that criticism is aimed more at the nature of the institution than at those who make it up, and understandably so. On many occasions, I have publicly agreed, among others, that having in one of the most democratic countries in the world an appointed body with, for all intents and purposes, the same powers as the elected one is an anachronism, and while I can defend the effectiveness of its efforts as an appointed chamber, I shall never stand in the way should agreement ever be achieved in substituting an elected one for it. When it comes, however, to introducing legislation in which the bicameral nature of Parliament is deliberately exploited, then it is not the Senate which is challenged, it is all of Parliament.

I well understand any government's frustration and impatience with the Senate. Too many ministers still consider that this body's role is to rubber-stamp legislation coming from the other place and have difficulty in accepting anything but a cursory examination of it. Yet how many times has the diligence of the Senate uncovered flaws and omissions leading to amendments — not all of them insignificant, far from it.

The Senate has an enviable record of improving legislation as well as challenging what it senses may be unconstitutional. That this annoys ministers who expect that the passive acceptance of their proposals in the House of Commons will be repeated in the Senate is not surprising. That that annoyance lead to an indecent whittling away of the Senate's authority, however, should be resisted even by those most opposed to the Senate in its present form, for far better an appointed Senate than no Senate at all.

Senator Kinsella: Hear, hear!

Senator Lynch-Staunton: Left alone, the House of Commons is but the tool of the executive, where a compliant majority, both cowed and even threatened, slavishly bows to the will of the executive's edicts, usually determined by unelected intimates in the Prime Minister's Office.

The government's dismissal of the Senate is made more unacceptable as it is based on a deliberate and cavalier distortion of the Supreme Court's opinion. In the seventh "whereas" in Bill C-20's preamble, one reads:

WHEREAS, in light of the finding by the Supreme Court of Canada that it would be for elected representatives to determine what constitutes a clear question and what constitutes a clear majority in a referendum held in a province on secession...

The government relies on paragraphs 100, 101 and 153 of the Supreme Court's opinion to back up this assertion.

Paragraph 100 does not speak of elected representatives, it speaks of political actors. Paragraph 101 speaks of both. However, more pertinently, paragraph 153, on which the wording of the seventh paragraph of the preamble is based, reads in part as follows:

However, it will be for the political actors to determine what constitutes "a clear majority on a clear question" in the circumstances under which a future referendum vote may be taken. Equally, in the event of demonstrated majority support for Quebec secession, the content and process of the negotiations will be for the political actors to settle.

The government has shown open contempt for the Supreme Court by deliberately misquoting and misinterpreting it by substituting "elected representatives" for "political actors" — and this by a minister who, in his second reading speech, spoke no less than three times of "political actors" and not once of "elected representatives."

The reason given for the inequality in the role of the Senate and the House of Commons, both by the minister and by the sponsor of the bill in the Senate, is that the House of Commons is a confidence chamber, and therefore, the Senate is relegated to an advisory status only. According to them, responsible government dictates the inequality in the roles of the two legislative chambers. This is absolute nonsense, because, if their argument is taken to its logical conclusion, there is no need for a bicameral Parliament. That is a decision for the provinces, along with the federal government and, ultimately, the people of Canada to take. As long as we have the Senate, it must play its appropriate role, especially on a matter so vital to the federation as the one before us.

Senator Kroft has argued that since, in 1982, the Senate was given a suspensive veto over constitutional change, this means that it is acceptable to relegate it to advisory status in this bill. Let me remind him and those who share that feeling that the 1982 arrangement was based on a constitutional amendment negotiated by the provinces and the federal government and enacted by a statute passed by the British Parliament.

Senator Kroft and others should also know that sometimes a suspensive veto can be more effective and more powerful than an

absolute one, because it will be used. Just remember the Senate's actions on the Meech Lake Accord. One can even argue that the 1982 compromise left the Senate more powerful than it was before.

Many witnesses before the Senate committee on Bill C-20 shared the opinion that the Senate must be included in a role equal to the House of Commons. Professor David Smith, the Head of Political Studies at the University of Saskatchewan, devoted his entire appearance before the committee to the subject of the Senate. His position is clear:

To abandon bicameralism at the moment the Canadian Federation faces its greatest test is to abandon the principle that made Canada possible as a plural society in the first place.

Senator Christensen asked Professor Smith how, in practical terms, he could see the Senate exercising its role, and while he stated he had not thought this through completely, he stated:

The answer could be one of several varieties. The two houses could either deal with it sequentially or contemporaneously or in a joint committee or separately.

The important matter for him was that each chamber would bring, "as the Constitution intended they should, different perspectives reflecting the range of interests that the Fathers of Confederation decided they should serve."

Professor Howse reflected on the Supreme Court's discussion of democracy and expanded it to include, in his opinion, the Senate of Canada:

Democracy is also about discussion, about checks and balances, and about the protection of various kinds of rights of minorities. In all these respects, it is hard to imagine that the Senate would not be, therefore, part of the picture of democracy at the federal level when it comes to these issues that deal with the possible break-up of Canada.

Perhaps it was Professor McEvoy of the University of New Brunswick, a supporter of the bill, who said it best in terms of the Senate:

In a perfect world, the Senate, being the House of the Federation...should make this decision, not the House of Commons. If you must make a choice of one House over the other, I prefer the Senate as the voice of the regions of Canada rather than the House of Commons, as it is weighted by population in the centre.

This view of being lost in a vote held by the House of Commons was expressed in a letter to the special committee by Premier Binns of Prince Edward Island, in which he wrote, in part:

Prince Edward Island should be true to its historic position: the Senate is important in defending the Island's representation in both Houses of Parliament. To the extent that Bill C-20 either directly or indirectly undermines the validity and functioning of the Senate, a province like Prince Edward Island is concerned.

Honourable senators, by not supporting Senator Grafstein's amendment, the Senate will be in league with the government in shamelessly distorting a Supreme Court opinion. I cannot believe, once these facts are before you, that anyone would want to be party to such contempt.

Honourable senators, let me turn to the amendments that have been proposed by Senator Joyal. I agree with those who argue that, whether the country's Constitution proclaims indivisibility or not, an overwhelming unequivocal will for separation will prevail in the long run. Why, though, should this shift the national government from promoting national unity to confirming secession as a legal option, as does Bill C-20? This is the most abhorrent feature of the bill. The sponsoring minister may repeat all he wants that Bill C-20 will effectively put an end to confusing questions. The fact is that it will not.

• (1420)

All that it does is tell Quebec that the federal government will only sit at the same table when a strong and clear will to break up the federation has been expressed. Any other proposed changes to the association with the federation supported by a clear vote will not be considered: Status quo or secession, take it or leave it! Cooperative federalism is dead. Long live the threat of dissolution!

When a court is asked to interpret a law, it often relies, beyond the words of the legislation itself, on the intent of the legislator, and this principle should be applied in any discussion on divisibility.

Indivisibility as such was not discussed during the Confederation debates, and understandably so. After all, what happened in 1867 was a bringing together of colonies and finding a way to keep them together without any one dominating the other and without the national government dominating them all.

Following Nova Scotia's petition for secession in 1868, Sir John A. Macdonald made it clear how the new federation was to be considered, and he did not have to use the word "indivisibility" to make his point. He wrote to a friend:

The ground upon which Unionists must stand is that repeal is not even a matter for discussion.

This was a natural conclusion to a statement he made in the House in 1865 as follows:

If we do not represent the people of Canada, we have no right to be here. But if we do represent them, we have a

right to see for them, to think for them, to act for them; we have the right to go to the foot of the throne and declare that we believe it to be for the peace, order, and good government of Canada to form of these provinces one empire, presenting an unbroken and undaunted front to every foe, and if we do not think we have this right, we are unworthy of the commission we have received from the people of Canada.

I am relying on quotations from Sir John A. Macdonald as he was regarded before and after Confederation by all parties as the dominating personality without whom Confederation would not have been possible.

At the Quebec conference in 1864, it was Macdonald who drafted most of the resolutions, the first one of which reads:

The best interests and present and future prosperity of British North America will be promoted by a Federal Union under the Crown of Great Britain provided such Union can be effected on principles joint to the several Provinces.

Bill C-20 is in direct contradiction to what those who brought this country together succeeded so well in establishing. Senator Joyal's amendment deserves support because it goes a long way to confirm a basic premise leading to the historic event of 1867, as well as giving Canadians a right to reconfirm or annul the commission given in 1867.

This, then, gets us into the second part of Senator Joyal's amendment dealing with a national referendum. This, he argues, is based on the premise that sovereignty in Canada, the Constitution of Canada, ultimately belongs to the people of Canada.

When the amending formula was adopted in 1982, it did not provide for a consultation mechanism through a referendum. However, I believe, as does Professor Behiels, one of the last witnesses to appear before the special committee, that any major constitutional change in Canada must now involve a national referendum. This precedent was set in 1992 by the Mulroney government in relation to the Charlottetown Agreement. As professor Behiels states, "...if this bill is to be absolutely clear, the role of the Canadian people should be written into the bill because they have the ultimate sovereignty...."

Senator Joyal's amendments also respect the opinion expressed by the Supreme Court in the secession reference case when it stated in paragraph 93:

The negotiation process precipitated by a decision of a clear majority of the population of Quebec on a clear question to pursue secession would require the reconciliation of various rights and obligations by the representatives of two legitimate majorities, namely, the clear majority of the population of Quebec, and the clear majority of Canada as a whole, whatever that may be. There can be no suggestion that either of these majorities "trumps" the other.

I should like now to turn to the amendment proposed by Senator Watt which addresses a serious deficiency in Bill C-20. I am astounded that the Chief of the Assembly of First Nations, while pressing for an amendment to allow aboriginals full negotiating privileges in the event that a constitutional amendment on secession was required, is quite content to accept Bill C-20 without this amendment. He, and others, are making a serious mistake by relying on assurances from the Minister of Intergovernmental Affairs to the effect that their future in Canada is always protected by section 35.1 of the Constitution Act, 1982.

The minister's position is but an afterthought as it contradicts his formal statement during second reading of Bill C-20 in the other place when he established clearly that the Government of Canada was, in effect, the ultimate authority. Honourable senators, this is what he said:

The bill does not reiterate the position once advanced by the Bloc's intergovernmental affairs critic to the effect that the aboriginal peoples living in Quebec would have the right to continue to remain in Canada in the event of the province's secession.

He went on to say:

Aboriginal populations in Quebec have twice demonstrated through referenda, in 1980 and 1995, their clear will to stay in Canada. If aboriginals were to express such a clear will once again, the Government of Canada could not guarantee in advance what fate would await them, but it is committed to taking that factor into account during negotiations on secession. The government would have all its responsibilities to all Canadians at heart. The House of Commons, every member of this House, would have the opportunity to assess the way in which the government conducted these infinitely painful, serious and difficult negotiations.

At third reading, in discussing an amendment to include "representatives of the Aboriginal peoples of Canada among those whose views would be taken into consideration..." the minister confirmed the distinction by saying:

...on this matter, and I want to stress this, the reason why subsection 3(1) of the *Clarity Act* mentions, among the participants in possible future negotiations on secession, only the governments of all of the provinces and the Government of Canada is that these are the only political actors to which the Court assigned an obligation to negotiate in the event of clear support for secession.

He went on to say:

But neither the Court nor C-20 rules out the representatives of the Aboriginal peoples of Canada. Simply put, it was not for C-20 to go beyond the Court's Reference by creating an obligation for actors other than those to which the Court assigned such an obligation.

It is quite clear that aboriginals are reduced to little more than observers, that section 35.1 is so interpreted, and that the federal government and the provinces as the minister interprets the Supreme Court opinion "are the only political actors to which the court assigned an obligation to negotiate in the event of clear support for secession." The court never speaks of legislation to implement its opinion, yet the government takes advantage of it to, in effect, give it the final word, despite its constitutional obligations toward the First Nations.

The same aboriginal senators who argued during the debate on the Nisga'a Treaty that section 35 allowed for the creation of a third order of government are now interpreting the same section as reducing First Nations in the event of the negotiations leading to the breakup of Canada to nothing more than unwanted spectators, as they were not even included as participants in the original draft of Bill C-20.

At the risk of being presumptuous, I want to remind those who rely on the recent generous interpretation of section 35 of a recent historical fact with which, surely, no aboriginal person is unfamiliar. In 1869, William McDougall was appointed lieutenant governor of the Northwest Territories and sent there to confirm their annexation to Canada following the purchase of the Northwest and Rupert's Land from the British government and the Hudson's Bay Company. When McDougall arrived in Pembina, just south of Winnipeg, he was given a note which read:

The National Committee of the Métis of Red River instruct Mr. McDougall not to enter the North-West Territory without special permission from this Committee.

• (1430)

I should like to quote Donald Swainson's book on Sir John A. Macdonald to explain what was behind the defiance of the Metis of Red River:

The Métis people of Red River...resented the idea that they could be sold to Canada like a herd of cattle. Confederation might be a fine idea, but westerners wanted to join only after Ottawa negotiated acceptable terms of entry with them...The Métis had to be protected...Their plan was simple: to resist annexation until Canada and the people of Red River had negotiated terms acceptable to both groups...Delegates were sent to Ottawa to conduct the negotiations. The federal government was unusually co-operative because it feared American intervention. By May 1870 an agreement had been hammered out and the terms written into the Manitoba Act, which established the Province of Manitoba as Canada's fifth province.

Surely, the possibility of First Nations being threatened with again being treated "like a herd of cattle" requires that there be equal members in any negotiations, and Senator Watt's amendment will allow just that.

Adoption of Senator Watt's amendment will confirm, whatever the contradictory interpretations of section 35, particularly that of the government, that First Nations, in keeping with the protection guaranteed them by the Crown, will be active negotiators in any discussions regarding their future, either in or out of Canada.

Let us put some measure of certainty into the role that Canada's aboriginal peoples would play in the negotiating of the secession of a province from Canada. Let us support Senator Watt's amendment. It could be, one never knows, that the inability to accommodate the aboriginal peoples in secession negotiations will become the glue that will keep Canada together.

Senator Gauthier's amendment, to which I now turn, would require consultation with official language minorities in determining the clarity of the question and the clarity of the majority, and it certainly deserves our support. This issue has been raised as well by Senator Finestone, who is a much admired and respected defender of a community with which I am not totally unfamiliar.

The minister was particularly unhelpful in this matter in his response to questions posed by both Senators Gauthier and Finestone.

In response to Senator Gauthier he said:

[Translation]

When the time comes to determine the question, if the question is clear, or the majority is clear, being francophone or being anglophone is not particularly relevant. That ought not to affect our judgment.

[English]

It does not matter, just look at the numbers.

At his second appearance before the Special Senate Committee he stated in response to Senator Finestone that the government would do as the Supreme Court had told them, "we should need to negotiate and take into account minority rights."

This is cold comfort to all who work so hard in the area of minority language rights. It is also important to note that sections 16 to 23 of the Constitution Act, 1982 are specifically designed to protect minority language rights and that one of Canada's provinces, New Brunswick, has a special obligation to protect the equality of the two linguistic communities.

Some Hon. Senators: Hear, hear!

Senator Lynch-Staunton: It is for all these reasons that I believe consultation with Canada's official language minorities is essential in determining the clarity of both the questions and the majority and this process should be contained in Bill C-20.

With regard to the amendment proposed by Senator Banks yesterday, I first want to congratulate him. In his modest way, he said he had only been here for two and a half months, but he certainly has made a tremendous impression in the chamber, as he did in committee. I commend him for the work he did there.

Some Hon. Senators: Hear, hear!

Senator Lynch-Staunton: I have reviewed the amendment that he has proposed in detail and I believe it deserves our support. While I was not a fan of Bill C-110 because I do not believe you can limit the operation of a constitutionally entrenched amending formula by a simple statute, I think that Senator Banks has found a good use for the principles contained in Bill C-110.

The federal principle in Canada is demonstrated by the division of powers between the central government and the provinces, and the involvement of the provinces as a possible brake prior to the commencement of negotiations has great merit. I commend him again for having brought this to our attention.

Much is being made of the need for a clear question and a clear a majority. Who can object? However, nothing is clear about the bill. Senator Finestone pointed this out in her questioning of Minister Dion in his last appearance before the special committee when she said to him:

I want this bill with clarity, not unclarity, inclarity, no clarity or confused or clouded clarity. I want to know how many I need to make and what my goal is when I go to the polls...I want to know the rules of the road before it starts.

The bill does not deliver on any of these counts.

On the other hand, ask anyone who has been actually active in Quebec referendums — and there are a number in this very chamber, some of whom have already spoken. They will tell you that after an intense, 30-day campaign, whatever the convoluted nature of the question, neither in 1980 nor in 1995, did any but a small fraction of those voting have anything but a clear understanding of the meaning of their Yes or No vote. The questions may have been meant to confuse but the answer to them certainly did not confuse anyone.

These questions are not foreign to referendums. In Canada in 1942, the question regarding conscription did not even have the word "conscription" in it. In 1968, in France, the referendum result which led to Charles de Gaulle resigning the presidency was on a question relating to the powers of the Senate. What could be more vague than the question on the Charlottetown Agreement in 1992? I shall quote it:

Do you agree that the Constitution of Canada should be renewed on the basis of the agreement reached on August 28, 1992?

That was all. Vague questions but clear answers each time.

Even the Minister of Intergovernmental Affairs has agreed that a vague question can lead to a straight answer, when he said during second reading:

Quebecers have already said No twice to secession even when they were asked questions designed to artificially boost support for the Yes side.

With this remark, the minister gives support to those who find Bill C-20 unnecessary and downright embarrassing, not only domestically, but internationally.

Thanks to the Parliamentary Research Branch of the Library of Parliament, 89 Constitutions were compared and 82 of them do not permit the secession of part of a state. Even more revealing, no country can be found which has legislation providing general rules of session.

Senator Kinsella: Hear, hear! That tells it all.

Senator Lynch-Staunton: By so doing, Canada will have the dubious distinction of being the only country having on its statute books a provision for its dissolution as approved by the national Parliament whose duty is to keep the country together.

As if this, by itself, were not bizarre enough, supporters of Bill C-20 expect that once confirmation of a clear answer has been given, the seceding province will sit down with those it wishes to break away from and calmly and patiently spend months, if not years, in negotiating the terms of secession. How naive. How out of touch from reality can one get? Just the fact that the main federal negotiator has accepted the verdict will give secession a stamp of approval which can only lead to an immediate declaration of independence and a search for international recognition. The chaos and bedlam that will ensue will cause havoc across the country which will be nothing less than catastrophic.

How will those at the UN responsible for such things as ranking Canada as the best country in the world to live in, react should Parliament echo Lucien Bouchard's infamous statement to the effect that Canada is not a real country? No real country has a Bill C-20 on its books. No real country has even considered one.

No real country devises legislation which divides those who believe in it while uniting those who want to break it up.

Senator Kinsella: What a legacy!

• (1440)

Senator Lynch-Staunton: Bill C-20 has already done that. Ask Claude Ryan and Jean Charest, both key figures in the two referendum successes, both adamantly opposed to Bill C-20. Is the Senate's recognition of their extraordinary efforts, added to those of the thousands who joined with them, to be in the form of forcing on them a bill that will impede rather than help the No side in any future referendum?

The Senate is being asked to choose between confirming a dubious legacy that has done nothing so far but cause serious divisions in all federalist political parties in and outside of Quebec and refusing to be a party to any legislation that, by whatever mechanism, will identify it as giving legal sanction to the breakup of Canada.

There is no imminent threat of a referendum in Quebec — far from it. This government would be best advised to withdraw the bill, take into consideration the objections that have come even from those who support its principles, and decide then whether to introduce a new bill or, even better, to drop the matter altogether.

For now, the Senate's support of the amendments before it will identify it as the one house of Parliament that refuses, as Jean Charest, the person given credit for making all the difference in the 1995 referendum campaign, would say, to take this country down a black hole. Only the Senate can prevent this possibility from becoming reality, and I urge all honourable senators to vote accordingly.

Some Hon. Senators: Hear, hear!

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, I rise and am pleased this afternoon to conclude the third reading debate on Bill C-20.

Senator Prud'homme: Shame!

Senator Boudreau: I wish to begin by thanking and congratulating everyone who has taken part in this debate and, in particular, the members of the special Senate committee for the important work they have accomplished.

It is important, I believe, to acknowledge that senators have held differing opinions in the course of this debate on various elements, and these opinions have been sincerely held and have been very articulately advanced. It is also important to note in this chamber that no one viewpoint enjoys the moral high ground or a uniquely principled status as opposed to all of the other viewpoints that have been advanced. The exchanges we have had and the testimony of numerous witnesses who shared their views with us during the committee stage have given us much food for thought and have shown the high level of discourse that this chamber can bring to important national issues.

I do not wish at this stage to delve into all of the details of the bill. That has been done at great length and with great ability and articulation. However, I believe it is appropriate to emphasize once again, as I begin my remarks this afternoon, the impetus for the legislation.

The current Quebec government refuses to remove from our political landscape the latent threat of a third referendum on secession or even of a unilateral declaration of independence. Bill C-20 is a response to that threat. If that threat will not be removed, then it must be managed within a clear framework of predictable rules. That is the purpose of Bill C-20 — to bring clear rules and clarity to an inherently difficult and complex process which will occur inevitably under extremely volatile conditions in this country.

It should not surprise anyone that legislation that deals with the core issue of our very existence as a nation should receive very close scrutiny and give rise to serious concerns. In my remarks today, I shall attempt to deal with some of those concerns.

Let me begin with the issue of the role that the aboriginal peoples of Canada will play. The aboriginal peoples occupy a unique place in our federation, and that fact is recognized in Bill C-20. Amendments that were made in subclauses 1(5) and 2(3) of the bill in the other place take these legitimate concerns into consideration.

The National Chief of the Assembly of First Nations, Chief Phil Fontaine, stated during his testimony that:

...we are satisfied that the constitutional record requiring our participation is clear so that we will not be the cause of the failure of Bill C-20.

Honourable senators, I would suggest that the Supreme Court opinion neither added to nor subtracted from the constitutional rights of the aboriginal peoples of Canada. Bill C-20 neither adds to nor subtracts from the constitutional position of the aboriginal peoples. It cannot do so, and an amendment to Bill C-20 on this point cannot do so, in my view. Why? Because Bill C-20 is not a bill that impacts constitutional relationships.

As Senator Banks described Bill C-20, it is duck like other ducks. It is a bill like all the other bills we deal with here. It does not impact constitutional relationships. We may disagree on how big a duck it is, as Senator Banks points out, but it is not an instrument to change constitutional relationships. That is impossible. If it attempted to do that, it would be *ultra vires*.

An Hon. Senator: It is.

Senator Boudreau: If it were constitutionally changing relationships for aboriginal peoples, another process would be required, one designed to change those constitutional rights.

However, Bill C-20 does add one new element for aboriginal peoples, as it does for the Senate, in the decision of whether to negotiate, which, by the way, is the only thing with which this bill deals. It does not deal with how to negotiate, not who will negotiate, not what the negotiating positions will be, not who will be involved in formulating that position, and not who will be at the table. It is none of those things, but simply whether such discussions should commence. That is what this bill is about.

The views of the aboriginal peoples must now be taken into account if we pass this bill. Yesterday, there was no requirement to do so in the issue of whether the discussions should proceed.

Senator Murray, in his comments, found great difficulty in reconciling Grand Chief Fontaine's position as he supported the bill in its present form with comments written by the Chief in previous correspondence. Senator Murray quoted a letter from Grand Chief Fontaine:

...the first peoples of Canada must be full participants with the federal government and the provinces and territories in any negotiations which might take place after an acceptable referendum process.

That was his position.

• (1450)

I think that position is not at all inconsistent with his position to support this bill. That deals with what happens if, in fact, negotiations commence — and I quote from Chief Fontaine again — "...which might take place after an acceptable referendum process." I would suggest that it appears that Chief Fontaine recognizes that this particular bill deals only with the commencement of negotiations, not the negotiation process itself.

The rights of Canadian aboriginal peoples in the negotiating process are addressed and protected in this second phase by section 35.1 of the Constitution.

Senator Nolin: What about clause 3 of the bill?

Senator Boudreau: A serious concern has been raised by senators in this place, and I agree that it should be taken seriously. If this existing protection is judged to be unsatisfactory or incomplete, or in some fashion not giving sufficient force constitutionally to the right of aboriginals to participate, that incompleteness surely must be remedied by an amendment to the clause that deals with constitutional relationships in the negotiating process. That, however, would go far beyond what Bill C-20 was ever designed to do. It was not designed to change, in any way, existing constitutional relationships and obligations to the aboriginal community in Canada. Indeed, I suggest to you, it would be incapable of doing that.

With regard to the francophone and anglophone minorities, their situation is recognized in Bill C-20, and their rights will be protected. The preamble to the clarity bill reiterates that any negotiations would be governed by the principle of protection of minorities. That preamble states:

...negotiations in relation to secession involving at the least the governments of all of the provinces and the Government of Canada, and that those negotiations would be governed by the principles of federalism, democracy, constitutionalism and the rule of law, and the protection of minorities;

Furthermore, under subclause 3(2) of the bill, it is stated that protection of minority rights would need to be addressed during negotiations.

Speaking about negotiations at the committee hearings, Professor Hogg stated, that as a practical matter:

It seems to me unlikely that through that process there would be a temptation to ignore the interests of official language minorities.

Bill C-20, far from ignoring minorities in its intention and direction, explicitly takes their concerns into consideration.

Honourable senators, when we first received this bill, the possibility of its unconstitutionality was raised on numerous occasions. It was suggested by some — I believe Senator Kinsella was one, for example — that it was *ultra vires* to Parliament. There are those who honestly hold that view. Obviously, it is not a view I share. I genuinely believe, in view of the testimony presented to our committee, that those concerns have been put to rest by an overwhelming bulk of evidence. Leading constitutional scholars of this country who appeared before our committee — such as Mr. Peter Hogg, Dean of Osgoode Hall Law School; Professor Joseph Magnet of the Faculty of Law at the University of Ottawa; Mr. John McEvoy, Professor of Law at the University of New Brunswick; and Mr. Patrick Monahan, professor of law at Osgoode Hall Law School — all stated clearly, unequivocally and without hesitation that Bill C-20 was constitutional and within the competence of Parliament to enact.

Honourable senators, I could quote extensively from their testimony, but that ground has been thoroughly ploughed by many of the earlier participants in this third reading debate. I shall limit myself to repeating what Professor Patrick J. Monahan said. He testified that:

In my view, however, the arguments that have been raised to the effect that Bill C-20 is constitutionally invalid are unfounded.

Notwithstanding the weight of evidence concerning the constitutionality of Bill C-20, it has been suggested that the bill ought not be enacted until a court ruling has been obtained. Such a process, I again respectfully suggest, is contrary to the normal and historical practice of our parliamentary system. Our Parliament comprises the Senate, the House of Commons and the Crown, represented by the Governor General. Parliament does not include the judiciary. It is not part of the legislative process. The Supreme Court of Canada does not constitute a fourth element of Canada's Parliament whose prior consent must be obtained before we can legislate.

We have had a recent example of this in the Nisga'a bill. Some were concerned that some parts of the Nisga'a bill were unconstitutional. There were those honourable senators who rose in this chamber and said that we should not pass the Nisga'a bill until it had been tested by the Supreme Court of Canada. The vast majority of the members of this chamber disagreed with that approach and followed the normal practice — the one that I believe should be followed in this case.

In exceptional circumstances the government can ask for a court ruling on a given issue before enacting a law, and that is exactly what was done here with the Quebec Secession Reference. An opinion was requested, obtained, and then a bill was drafted to reflect the major elements of that opinion. There is no precedent for the proposition that the government should now

go back to the court for a second time, to ask their opinion, on whether or not Bill C-20 conforms to their first opinion.

Honourable senators, this bill is, in my view, lawful, constitutional, and within the power of Parliament to enact. It is, again, in the words of Senator Banks, "a duck." It is a bill like other bills that we pass procedurally. At one point during the course of the debate there was some indication that the opposition believed, were they to become the Government of Canada at some stage, it is a bill that, if it became law, they would be quick to repeal. If that was their view, and they were in that position, they could do that. They could not do it if it was constitutional, but they could do it if it was not.

Honourable senators, those who believe that somehow this bill will have a constitutional impact have a right to challenge it once the bill is proclaimed. No doubt, someone will. That is what occurred, for example, with the government's gun control bill, where similar arguments with respect to constitutionality were raised prior to its passage but were then unanimously rejected by the court in a recent decision. As parliamentarians, we must discharge our legislative responsibilities as these responsibilities come before us.

Honourable senators, turning to the issue of indivisibility, I should begin by saying that this is a difficult matter because it is so fraught with emotion. Nothing would give me greater pleasure than to be able to state, here, standing in this chamber today, unequivocally, as perhaps some senators in the debate may have said, that Canada, by operation of constitutional law, must always remain united. Honourable senators, politics is not theology. The landscape of history is littered with the ruins of great nations and empires that declared themselves before man and God to be indivisible.

• (1500)

The 20th century has been witness to extraordinary upheavals as nations were built and then destroyed.

Senator Lynch-Staunton: Is that our fate?

Senator Boudreau: The cost in human suffering, in many instances, would be simply unimaginable to us here in Canada, where tolerance, respect and a desire to pursue a common vision is what brought us together in the first place and it is what will keep us united.

In his second reading speech, found at page 1312 of the *Debates of the Senate*, Senator Joyal referred to our founding document, the British North America Act of 1867. He said:

Second, the principle of indivisibility was enshrined in our Constitution in 1867....Likewise, it was sufficient for the Fathers of Confederation to guarantee the indivisibility of the union by defining the new country as "One Dominion under the Crown...with a Constitution similar in principle to that of the United Kingdom."

If we are to read into this, as perhaps may have been intended by Senator Joyal, that Canada was, from its inception, indivisible based on its Constitution — that is, "...with a Constitution similar in principle to that of the United Kingdom," — then the United Kingdom was also seemingly indivisible. However, we know that in December of 1922, five-sixths of Ireland, containing two-thirds of the population, separated from the United Kingdom to form an independent country now known as the Republic of Ireland. This was accomplished with the passage in the British Parliament of the Irish Free State Constitution Act. No referendum was held in Ireland, let alone in England, Scotland or Wales prior to the passage of the bill. When Ireland achieved its independence, what was described by Senator Joyal as "the inseparable bond between the state and its citizens" was in fact severed without, again in Senator Joyal's words, "the authorization of the whole of the country."

This is not an example we want to follow here in Canada. Looking at this example, I cannot help but ask: Why is it that the United Kingdom could accommodate lawful secession under its Constitution, while, according to some in this chamber, Canada cannot, particularly when our founding constitutional document declares in its preamble that we have a Constitution similar in principle to that of the United Kingdom? Surely, as an independent country, we would have the same legal and constitutional rights and abilities as the United Kingdom to determine our own destiny.

I would suggest, with the greatest of respect, that whatever we may wish for our country — and all of us, I believe, share the same strong wish and belief — the question of the divisibility of Canada was settled as a legal matter by the Supreme Court of Canada in 1998, when it stated:

It lies within the power of the people of Canada, acting through their various governments duly elected and recognized under the Constitution, to effect whatever constitutional arrangements are desired within Canadian territory, including, should it be so desired, the secession of Quebec from Canada.

Honourable senators, that is not my view. Certainly, that not my wish, nor it is as I would have it, but that is how the highest court of our country determined on that question.

I want to read that quote again, from paragraph 85 of the Supreme Court decision, which states:

It lies within the power of the people of Canada, acting through their various governments duly elected and recognized under the Constitution, to effect whatever constitutional arrangements are desired within Canadian territory, including, should it be so desired, the secession of Quebec from Canada.

How could it be otherwise? How, as a nation, could we lack that ability?

To those who advocate Canada's indivisibility, pure and simple, one might be tempted to ask the following questions. Just how far would we be prepared to go to defend that indivisibility? What means are we prepared to use to maintain that indivisibility if there is a clear expression of intent from the inhabitants of one of our provinces to form their own separate country? Do those who believe in the indivisibility of Canada's territories have a peaceful solution that would respect the law if such circumstances ever arose?

Senator Lynch-Staunton: How defeatist can one get!

Senator Boudreau: This country will stay together because the people of this country, including the people of Quebec, want it to stay together. That is how it will happen.

An Hon. Senator: And what if they don't?

Senator Boudreau: For its contribution, the Government of Canada does have such a solution. It is Bill C-20, which respects the Constitution and complies with the Supreme Court's opinion of August 20, 1998.

If there ever comes a time — and all of us, I repeat again, sincerely hope and believe that such a time will never come — when, unfortunately, we have to accept that our country will be divided, the process leading to secession must be clear and must respect the law, for any attempt to move us in that direction must be clear and must respect the law.

Professor Monahan could not have explained more eloquently why, even though it is difficult to contemplate, we must admit that our country is not indivisible. He said:

Even it were the case that the Supreme Court of Canada had not already settled that point, even if there were some doubt as to whether or not Canada is divisible, in my submission, senators, that is the best and wisest course for Canada; not because we seek division but because we seek to avoid it. We say that in this country...one is kept here not by force; one is not kept here because one cannot leave. One chooses to be here. One chooses to be a Canadian, unlike, perhaps, certain other countries. That is the tradition of our country. It is the tradition that this Parliament, therefore, ought to uphold by enacting Bill C-20.

As I have said, as a legal matter, I believe the Supreme Court of Canada has ruled that Canada may be divisible under certain circumstances, but as a political matter, we came face to face with that most uncomfortable reality more than 20 years ago, in 1980, with the first Quebec referendum. All of us faced it then and again in 1995. Who will forget watching the results that night seesaw back and forth, the red column and the blue column, wondering about the impact and what the result would be, wondering what one could do personally should the wrong column finish ahead at the end of the night.

The federal government, in both of those cases in 1980 and in 1995, acted as if the Quebec referendum had consequences. We participated; we joined the debate; we engaged the battle. Many people in this chamber played very large roles in one or the other and some in both referenda. We did not respond to the separatist threat by ignoring it or by minimizing its potential consequences. We did not turn our backs to what was going on in Quebec with the assertion that since Canada was indivisible the referendum would have no consequence. We knew that the referendum, potentially, had meaning, and through our vigorous participation we acknowledged that the stakes for the country were very high indeed.

• (1510)

The Supreme Court of Canada's opinion only mirrored what we have known and acknowledged politically through our actions and words for many years, namely, that Canada is all too divisible. That is why Bill C-20 is so necessary. We know it here and the people in the country know it, judging by their reaction to this piece of legislation.

Another question that came up frequently in our deliberations was the role given to our house in assessing clarity. Some feel that the role is was insufficient, and that it reduces the importance of the Senate, perhaps even verging on unconstitutionality. Here again, the witnesses who appeared before the committee had their own opinions on this matter. For example, Professor Monahan stated:

I submit to you that there is no legal reason why Parliament could not provide a determining role for the House of Commons alone without also conferring the same role on the Senate or a similar role on the Senate, because we already know, under the Constitution Act of 1982, that there are different roles for the Senate and the House of Commons in the constitutional amendment process. Therefore, there is no principle that says that the Senate and the House of Commons must always play an identical role.

As a body, we can understand that the roles will not always be identical. We can accept that without also believing that somehow it makes this chamber and the work that we do here without value. I do not accept that. I have been here certainly less time than the vast majority, but I would not accept the conclusion to the principle that perhaps this house and the other place enjoy different roles.

The different roles mentioned by Professor Monahan came about with the Constitution Act of 1982. The objective was not to fundamentally alter the bicameral nature of our Parliament, but rather to recognize that the provinces, not the Senate, would now take the primary responsibility for defending the interests of the regions in any future constitutional negotiations. That does not mean that the Senate does not bring to legislation that comes before this chamber a regional perspective, simply because of the

arrangement for the appointments of senators, our individual backgrounds and our views.

As Professor Monahan described, Bill C-20 faithfully reflects those different roles of the Senate and the House of Commons in the constitutional amending process.

For those who object that Bill C-20 does not respect the bicameral nature of Canada's Parliament, their complaint may not be directly with Bill C-20, but with what this chamber agreed to almost 20 years ago. This legislation, in assigning different roles to the two chambers in the event of constitutional negotiations on secession, merely reflects the different roles with respect to the amending formula that the Senate adopted in December of 1981.

Another criticism of the legislation often raised is that it somehow diminishes the power of the Senate, that we are losing something. I feel compelled to add at this point, and I advanced this position at second reading debate, that the House of Commons will be getting a role that heretofore was in the exclusive domain of the executive, and that is the decision as to whether certain discussions will commence.

I remind honourable senators that Bill C-20 deals with commencement, not the conduct but the commencement of the negotiations.

Simply because the House of Commons may be getting a role that heretofore was in the exclusive domain of the executive, does not mean that we in the Senate are losing a role that we previously enjoyed. In my view, nothing whatsoever is being taken away from the Senate. Simply put, we cannot lose what we never had. Since this is not a confidence chamber, we do not and have never had the power to prevent constitutional negotiations from taking place by defeating the government on a vote of confidence. Only the House of Commons can do that.

For those who object to the characterization of the Senate put forward by academics and others who do not have a firm grasp of our Parliamentary system of government, let me quote from an article written by our colleague Senator Beaudoin in June of 1992:

In Canada we have a responsible government, i.e., the executive **must command the confidence of the House of Commons** in order to remain in power. Should the ministers lose this confidence, they must either resign or ask the Crown for a dissolution of the legislature.

The Senate, in principle, has the same powers as the House of Commons, subject to three exceptions: money bills must originate in the lower house (although the Senate must also vote on them), **the government is not responsible to the Senate**, and, on matters of constitutional amendment, the Senate has had only a 180-day suspensive veto since 1982.

Some Hon. Senators: Oh, oh!

Senator Kinsella: What is your point?

Senator Lynch-Staunton: Very revealing.

Senator Kinsella: Be instructive now. Here is the Senate leader.

Senator Boudreau: Although we operate in a bicameral Parliament, we are not the same as the House of Commons and they are not the same as us. We are not identical with one another.

Senator Lynch-Staunton: Thank goodness!

Senator Boudreau: As Senator Beaudoin has written, the government is responsible to and must continue to command the confidence of the House of Commons, not the Senate.

As Senator Kroft explained in his remarks, and I want to support his comments:

Acknowledgement of the right of the Government of Canada to enter into negotiations possibly leading to a constitutional amendment and subject only to maintaining the confidence the House of Commons, is essential to the acceptance of Bill C-20.

Bill C-20 reflects the new constitutional order that was formally put in place in 1982 and in no way, shape or manner does it take anything away from Senate. It does not change the Senate's role. It does not minimize the Senate. It has not the capability of minimizing the Senate. To do so is a matter of changing a constitutional relationship. If it even purports to do that, then those people who suggest it is *ultra vires* and unconstitutional will be proven successful in some subsequent court challenge because a bill does not have the authority, the power or the capacity to change the constitutional role of this body.

Senator Kinsella: What a legacy!

Senator Boudreau: Professor Joseph Magnet noted in reference to the Bill C-20. "The constitutional powers of the Senate remain undiminished." He went on to say that the bill "does not change its constitutional role."

• (1520)

I repeat: If Professor Joseph Magnet is wrong, if the views that some senators have advanced supporting the position of Professor Joseph Magnet are wrong, and this bill does purport to change the constitutional relationship, it is completely incapable of doing so. It is a duck. Ducks cannot change constitutional relationships.

Senator Lynch-Staunton: What is "duck" in French? A canard!

An Hon. Senator: Shoot the duck!

An Hon. Senator: Quack, quack, quack!

Senator Boudreau: In his testimony before our committee, Professor Monahan expressed the view that Bill C-20:

...does not infringe on the historic prerogatives, privileges or powers of this institution of which honourable senators are a part. Thus, you do not bring any dishonour to the institution and to the traditions of the body of the Senate by agreeing to Bill C-20.

As I indicated at the beginning of my remarks, we have had a very thorough, articulate and principled debate here on many, many issues surrounding Bill C-20.

Senator Kinsella: The bill is in a shambles.

Senator Boudreau: Honourable senators, much has been said about Bill C-20 and much more, undoubtedly, will be said in the months ahead.

Senator Lynch-Staunton: In front of the court.

Senator Boudreau: Here in the Senate, we have examined the legislation from every possible perspective and in great detail. We have raised issues which were not even alluded to in the House of Commons.

I do not think anyone who has been involved in the process, or anyone who paid attention to what has gone on here, in this chamber and in the work of the committee, can criticize our body for not dealing with this bill in a very thorough and detailed manner.

As I have said, it is a complex bill, one which deals with circumstances which will occur in a very emotional and volatile situation, if it ever, of necessity, has to be utilized.

As I conclude my remarks —

An Hon. Senator: That would be nice.

An Hon. Senator: Do that.

Senator Boudreau: — I want to step away from the details in order to focus on the broader political problem.

All of us have lived through and experienced the uncertainty and the turmoil that surrounded the referenda of 1980 and 1995. At that time I was Minister of Finance for the Province of Nova Scotia. Unfortunately, we had unbelievable exposure in the foreign exchange markets because all of our borrowings were in foreign currencies and were unhedged. Even a penny change in the Canadian dollar would have been incredibly difficult for the Province of Nova Scotia.

We watched the results that night, recognizing all of the potential consequences that could fall as the results came in, little by little, and the issue was not concluded until late in the evening. All of us sitting around that room in Halifax on that night — I cannot speak for others; I can only speak for those in that room in Halifax that night — without exception, would have appreciated having Bill C-20 as the law of the land in Canada.

Some Hon. Senators: Hear, hear!

Some Hon. Senators: Oh, oh!

Senator Boudreau: We all recall how Mr. Parizeau said on that night that he had been fully prepared to make a unilateral declaration of independence if the vote had gone the other way.

We all know that there will very likely be a third referendum.

Senator Lynch-Staunton: When? How do you know?

Senator Kinsella: What is the shelf life of the question?

Senator Boudreau: In the final analysis, this bill is not about the Constitution. It is not about the Senate. It is about the future of our country. It is about the practical management of an extraordinarily delicate situation, an extraordinarily critical situation which will occur only in the most extreme conditions and circumstances.

It is about a national government, elected by all Canadians, trying to deal with a particular provincial government or a particular political movement that would intend to dismember our country. It is about the people of Canada, acting through those who represent them, through those whom they elect, having a voice about whether their government should enter into negotiations on secession.

Many legitimate concerns were raised as we discussed this bill. I do not minimize any of them. I do not disparage any of them. I recognize that all were made with a sincere reflection, with thoughtfulness and, indeed, with conviction.

I shall urge colleagues in the Senate today not to put this bill at risk by the passage of any amendments to fight battles or to establish positions which can be fought or established on other fields, on other days.

I have had an opportunity, perhaps uniquely in my situation, to speak to many Canadians. I firmly believe that the people of Canada want this bill. I urge all honourable senators to give it to them, today.

Some Hon. Senators: Hear, hear!

Senator Lynch-Staunton: Honourable senators, any one of us can rely on any academic or professor who comes before the committee to support whatever view we have. However, I should ask the minister why he has not commented on the fact that this bill has divided the federalist forces in Quebec. Mr. Claude Ryan came to the committee and said: "Had a bill like this one been

suggested at the time in 1980, I should have gone to Mr. Trudeau and said, 'I do not need it'."

Why has he not commented on the fact that Mr. Charest, who saved the referendum in 1995, has told us he does not need this bill as the leader of the "No" forces in the referendum? Why is the government persisting in pushing to law a bill which has only divided the federalist forces and unified the separatists?

Have you read the polls? The Bloc is ahead of the Liberals in Quebec, right now.

Senator Boudreau: My answer, and I believe the answer of the Government of Canada, is that the people of Canada want this bill. Some people of the honourable senator's own party voted in favour of this bill because they realized, as we do, that the people of this country want this bill passed and they want it passed today.

Senator Lynch-Staunton: Some members of the honourable senator's party are against the bill. That is how divisive it is. Why does this bill give comfort to the separatists and divide the federalist forces? Do not tell me that the people of Canada want it. I understand that the people of Quebec do not want it.

The Hon. the Speaker: Honourable senators, it is 3:30 p.m. Pursuant to the Order of the House, the bells will ring for one-half hour.

Please call in the senators.

• (1600)

The Hon. the Speaker: Honourable senators, the question before the Senate is the third reading of Bill C-20. It was moved by the Honourable Senator Hays, seconded by the Honourable Senator Graham, that this bill be read the third time now. There were then a series of amendments moved.

I shall go directly to the last amendment that was moved, amendment No. 5, which will be the immediate question on which we shall vote. It is the motion in amendment by the Honourable Senator Grafstein, seconded by the Honourable Senator Joyal:

That Bill C-20 be not now read a third time, but that it be amended

(a) in clause 1,

(i) on page 2,

(A) by replacing line 34 with the following:

"1. (1) The Senate and the House of Commons shall, within", and

(B) by replacing lines 40 and 41 with the following:

"Canada, consider the question and, by joint resolution, set out their determination on whether the",

(ii) on page 3,

(A) by replacing line 7 with the following:

"dum question, the Senate and the House of Commons shall",

(B) by replacing line 32 with the following:

"dum question, the Senate and the House of Commons shall",

(C) by replacing lines 40 and 41 with the following:

"resolutions by the representatives of", and

(D) by replacing line 45 with the following:

"any other views they consider to be relevant", and

(iii) on page 4, by replacing line 4 with the following:

"the Senate and the House of Commons determine, pursuant"; and

(b) in clause 2,

(i) on page 4,

(A) by replacing lines 15 to 18 with the following:

"Canada, the Senate and the House of Commons shall, except where they have determined pursuant to section 1 that a referendum question is not clear, consider and, by joint resolution, set out their deter-",

(B) by replacing line 27 with the following:

"province cease to be part of Canada, the Senate and the House",

(C) by replacing lines 33 and 34 with the following:

"(c) any other matters or circumstances they consider to be relevant.", and

(D) by replacing line 38 with the following:

"province cease to be part of Canada, the Senate and the House", and

(ii) on page 5,

(A) by replacing lines 1 and 2 with the following:

"formal statements or resolutions by",

(B) by replacing line 6 with the following:

"on secession, and any other views they consider", and

(C) by replacing line 11 with the following:

"unless the Senate and the House of Commons determine,".

Will those honourable senators who are in favour of the motion in amendment please say "yea"?

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those honourable senators who are opposed to the motion in amendment please say "nay"?

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "nays" have it.

And two honourable senators having risen.

The Hon. the Speaker: Please call in the senators.

The understanding that I believe the house has made is that the bell will ring for five minutes; or do honourable senators wish to proceed now?

Some Hon. Senators: Now.

Motion in amendment by Senator Grafstein negated on the following division:

YEAS

THE HONOURABLE SENATORS

Adams	Kelleher
Andreychuk	Kelly
Angus	Keon
Atkins	Kinsella
Beaudoin	Lavoie-Roux
Berntson	LeBreton
Bolduc	Lynch-Staunton
Buchanan	Meighen
Cochrane	Murray
Cogger	Nolin
Cohen	Oliver
Comeau	Pitfield
Cools	Prud'homme
DeWare	Rivest
Di Nino	Roberge
Doody	Robertson
Eyton	Rossiter
Forrestall	Simard
Gauthier	Spivak
Grafstein	St. Germain
Gustafson	Stratton
Johnson	Tkachuk
Joyal	Watt—46

NAYS

THE HONOURABLE SENATORS

Austin	Kroft
Bacon	Lawson
Boudreau	Losier-Cool
Bryden	Maheu
Callbeck	Mahovlich
Carstairs	Mercier
Chalifoux	Milne
Christensen	Moore
Cook	Pearson
Corbin	Pépin
Cordy	Perrault
De Bané	Perry Poirier
Fairbairn	Poulin
Ferretti Barth	Poy
Finnerty	Robichaud
Fitzpatrick	(L'Acadie-Acadia)
Fraser	Robichaud
Furey	(Saint-Louis-de-Kent)
Gill	Roche
Graham	Rompkey
Hays	Setlakwe
Hervieux-Payette	Sibbeston
Kennedy	Squires
Kenny	Stollery
Kirby	Wiebe
Kolber	Wilson—50

ABSTENTIONS

THE HONOURABLE SENATORS

Banks
Finestone
Taylor—3

• (1610)

The Hon. the Speaker: Honourable senators, the next amendment is No. 4. It was moved by the Honourable Senator Banks, seconded by the Honourable Senator Corbin that Bill C-20 be not now read a third time but that it be amended in clause 2, on page 5, by adding after line 15 the following:

(5) The Government of Canada shall not enter into negotiations on the terms on which a province might cease to be part of Canada if, within 30 days of the House of Commons making a determination that there has been a

clear expression of a will by a clear majority of the population of a province that the province cease to be part of Canada pursuant to subsection (1), such negotiations are objected to by at least three of the following:

- (a) Ontario;
- (b) Quebec;
- (c) British Columbia;

(d) two or more of the Atlantic provinces that have, according to the then latest general census, combined populations of at least fifty per cent of the population of all the Atlantic provinces; and

(e) two or more of the Prairie provinces that have, according to the then latest general census, combined populations of at least fifty per cent of the population of all the Prairie provinces.

(6) The following definitions apply in this section.

“Atlantic provinces” means the provinces of Nova Scotia, New Brunswick, Prince Edward Island and Newfoundland.

“Prairie provinces” means the provinces of Manitoba, Saskatchewan and Alberta.”.

Will those honourable senators in favour of the motion in amendment please say “yea”?

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those honourable senators opposed to the motion in amendment please say “nay”?

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the “nays” have it.

And two honourable senators having risen.

The Hon. the Speaker: The order as passed by this house is that there will be a five-minute bell. Call in the senators.

• (1620)

Motion in amendment by Senator Banks negated on the following division:

YEAS

THE HONOURABLE SENATORS

Adams	Kelleher
Andreychuk	Kelly
Angus	Keon
Atkins	Kinsella
Banks	Lavoie-Roux
Beaudoin	LeBreton
Berntson	Lynch-Staunton
Bolduc	Meighen
Buchanan	Murray
Cochrane	Nolin
Cogger	Oliver
Cohen	Pitfield
Comeau	Prud'homme
Cools	Robertson
DeWare	Rossiter
Di Nino	Simard
Doody	Stratton
Eyton	Tkachuk
Forrestall	Watt—39
Johnson	

NAYS

THE HONOURABLE SENATORS

Austin	Kolber
Bacon	Kroft
Boudreau	Lawson
Bryden	Losier-Cool
Callbeck	Maheu
Carstairs	Mahovlich
Chalifoux	Mercier
Christensen	Milne
Cook	Moore
Corbin	Pearson
Cordy	Pépin
De Bané	Perrault
Fairbairn	Perry Poirier
Ferretti Barth	Poulin
Finestone	Poy
Finnerty	Robichaud
Fitzpatrick	(<i>L'Acadie-Acadia</i>)
Fraser	Robichaud
Furey	(<i>Saint-Louis-de-Kent</i>)
Gauthier	Roche
Gill	Rompkey
Graham	Setlakwe
Hays	Sibbeston
Hervieux-Payette	Squires
Kennedy	Stollery
Kenny	Wiebe
Kirby	Wilson—52

ABSTENTIONS

THE HONOURABLE SENATORS

Grafstein	Roberge
Joyal	Taylor—5
Rivest	

The Hon. the Speaker: Honourable senators, the question before us now is motion in amendment No. 3. It was moved by the Honourable Senator Joyal, P.C., seconded by the Honourable Senator Grafstein, that Bill C-20 be not now read a third time but that it be amended:

(a) on page 2, by adding the following after line 33:

“1. Subject to this Act, the Government of Canada must act at all times in accordance with the principle that Canada is one and indivisible.”;

(b) in clause 3, on page 5, by adding the following after line 24:

“(2) Where it has been determined, pursuant to section 3, that there has been a clear expression of a will by a clear majority of the population of a province that the province cease to be part of Canada.

(a) the Government of Canada shall consult the population of Canada, by national referendum, about the proposed secession; and

(b) after the national referendum, the Senate and the House of Commons may, by joint resolution, authorize the Government of Canada to enter into negotiations to effect the secession of the province from Canada, subject to the terms and conditions set out in the resolution.”; and

(c) by renumbering clauses 1 to 3 as clauses 2 to 4 and subclause 3(2) as (3), and any cross-references thereto accordingly.

Will those honourable senators in favour of the motion in amendment please say “yea”?

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those honourable senators opposed the motion in amendment please say “nay”?

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the “nays” have it.

And two honourable senators having risen.

The Hon. the Speaker: The order as passed by this house is that there will be a five-minute bell. Call in the senators.

• (16.30)

Motion in amendment by Senator Joyal negated on the following division:

YEAS

THE HONOURABLE SENATORS

Adams	Kelleher
Andreychuk	Kelly
Angus	Keon
Atkins	Kinsella
Beaudoin	Lavoie-Roux
Berntson	LeBreton
Bolduc	Lynch-Staunton
Buchanan	Meighen
Cochrane	Murray
Cogger	Nolin
Cohen	Oliver
Comeau	Pitfield
Cools	Prud'homme
DeWare	Roberge
Di Nino	Robertson
Doody	Rossiter
Eyton	Simard
Forrestall	Stratton
Gauthier	Tkachuk
Grafstein	Watt—41
Joyal	

NAYS

THE HONOURABLE SENATORS

Austin	Kroft
Bacon	Lawson
Boudreau	Losier-Cool
Bryden	Maheu
Callbeck	Mahovlich
Carstairs	Mercier
Chalifoux	Milne
Christensen	Moore
Cook	Pearson
Corbin	Pépin
Cordy	Perrault
De Bané	Perry Poirier
Fairbairn	Poulin
Ferretti Barth	Poy
Finestone	Robichaud
Finnerty	(L'Acadie-Acadia)
Fitzpatrick	Robichaud
Fraser	(Saint-Louis-de-Kent)
Furey	Roche
Gill	Rompkey
Graham	Setlakwe
Hays	Sibbeston
Hervieux-Payette	Squires
Kennedy	Stollery
Kenny	Wiebe
Kirby	Wilson—51
Kolber	

ABSTENTIONS

THE HONOURABLE SENATORS

Banks	Rivest
Johnson	Taylor—4

The Hon. the Speaker: The next motion, honourable senators, is the motion in amendment by the Honourable Senator Gauthier, seconded by the Honourable Senator Corbin, that Bill C-20 be not now read a third time but that it be amended

(a) in clause 1 on page 3 by replacing line 40 with the following:

“resolutions by the Senate, any formal statements or resolutions by the representatives of the English or French linguistic minority population of each province, especially those in the province whose government is proposing the referendum on secession, any formal state.”; and

(b) in clause 2, on page 5, by replacing line 2 with the following:

“ate, any formal statements or resolutions by the representatives of the English or French linguistic minority population of each province, especially those in the province whose government proposed the referendum on secession, any formal statements or resolutions by”.

Will those honourable senators in favour of the motion in amendment please say “yea”?

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those honourable senators opposed to the motion in amendment please say “nay”?

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the “nays” have it.

And two honourable senators having risen.

The Hon. the Speaker: Please call in the senators.

• (1640)

Motion in amendment by Senator Gauthier negated on the following division:

YEAS

THE HONOURABLE SENATORS

Adams	Joyal
Andreychuk	Kelleher
Angus	Kelly
Atkins	Keon
Beaudoin	Kinsella
Berntson	Lavoie-Roux
Bolduc	LeBreton
Buchanan	Lynch-Staunton
Cochrane	Meighen
Cogger	Murray
Cohen	Nolin
Comeau	Oliver
Cools	Pitfield
DeWare	Prud'homme
Di Nino	Rivest
Doody	Roberge
Eyton	Robertson
Finestone	Rossiter
Forrestall	Simard
Gauthier	Stratton
Grafstein	Tkachuk
Johnson	Watt—44

NAYS

THE HONOURABLE SENATORS

Austin	Kroft
Bacon	Lawson
Boudreau	Losier-Cool
Bryden	Maheu
Callbeck	Mahovlich
Carstairs	Mercier
Chalifoux	Milne
Christensen	Moore
Cook	Pearson
Corbin	Pépin
Cordy	Perrault
De Bané	Perry Poirier
Fairbairn	Poulin
Ferretti Barth	Poy
Finnerty	Robichaud
Fitzpatrick	(L'Acadie-Acadia)
Fraser	Robichaud
Fury	(Saint-Louis-de-Kent)
Gill	Roche
Graham	Rompkey
Hays	Setlakwe
Hervieux-Payette	Sibbeston
Kennedy	Squires
Kenny	Stollery
Kirby	Weibe
Kolber	Wilson—50

ABSTENTIONS

THE HONOURABLE SENATORS

Banks
Taylor—2

• (1650)

The Hon. the Speaker: Honourable senators, we are now at the first motion in amendment.

It was moved by the Honourable Senator Watt, seconded by Honourable Senator Adams:

That Bill C-20 be amended in paragraph six of the Preamble to read as follows:

WHEREAS the Supreme Court of Canada has confirmed that, in Canada, the secession of a province, to be lawful, would require an amendment to the Constitution of Canada, that such an amendment would perforce require negotiations in relation to secession involving at least the governments of all of the provinces and the Government of Canada, **as well as representatives of the aboriginal peoples of Canada, especially those in the province whose government proposed the referendum on secession.** and that those negotiations would be governed by the principles of federalism, democracy, constitutionalism and the rule of law, and the protection of minorities;

and in subclause 3(1) to read as follows:

It is recognized that there is no right under the Constitution of Canada to effect the secession of a province from Canada unilaterally and that, therefore, an amendment to the Constitution of Canada would be required for any province to secede from Canada, which in turn would require negotiations involving at least the governments of all of the provinces and the Government of Canada, **and the representatives of the aboriginal peoples of Canada, especially those in the province whose government proposed the referendum on secession.**

Will those honourable senators in favour of the motion in amendment please say "yea"?

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those honourable senators opposed to the motion in amendment please say "nay"?

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "nays" have it.

And two honourable senators having risen.

The Hon. the Speaker: Call in the senators. We shall have a five-minute bell.

Motion in amendment by Senator Watt negated on the following division:

YEAS

THE HONOURABLE SENATORS

Adams
Andreychuk
Angus
Atkins
Beaudoin
Berntson
Bolduc
Buchanan
Cochrane
Cogger
Cohen
Comeau
Cools
DeWare
Di Nino
Doody
Eyton
Finestone
Forrestall
Gauthier
Grafstein
Johnson

Joyal
Kelleher
Kelly
Keon
Kinsella
Lavoie-Roux
LeBreton
Lynch-Staunton
Meighen
Murray
Nolin
Oliver
Pitfield
Prud'homme
Rivest
Roberge
Robertson
Rossiter
Simard
Taylor
Tkachuk
Watt—44.

NAYS

THE HONOURABLE SENATORS

Austin	Kroft
Bacon	Lawson
Boudreau	Losier-Cool
Bryden	Maheu
Callbeck	Mahovlich
Carstairs	Mercier
Chalifoux	Milne
Christensen	Moore
Cook	Pearson
Corbin	Pépin
Cordy	Perrault
De Bané	Perry Poirier
Fairbairn	Poulin
Ferretti Barth	Poy
Finnerty	Robichaud
Fitzpatrick	(<i>L'Acadie-Acadia</i>)
Fraser	Robichaud
Furey	(<i>Saint-Louis-de-Kent</i>)
Gill	Roche
Graham	Rompkey
Hays	Setlakwe
Hervieux-Payette	Sibbeston
Kennedy	Squires
Kenny	Stollery
Kirby	Wiebe
Kolber	Wilson—50.

ABSTENTIONS

THE HONOURABLE SENATOR

Banks—1.

• (1700)

The Hon. the Speaker: Honourable senators, we are now at the main motion.

It was moved by the Honourable Senator Hays, seconded by the Honourable Senator Graham, P.C., that Bill C-20 be read the third time now.

Will those honourable senators in favour of the motion please say "yea"?

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those honourable senators who are against the motion please say "nay"?

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "yeas" have it.

And two honourable senators having risen.

The Hon. the Speaker: Please call in the senators. We shall have a five-minute bell.

• (1710)

Motion for third reading by Senator Hays agreed to on the following division:

YEAS

THE HONOURABLE SENATORS

Austin	Kroft
Bacon	Lawson
Banks	Losier-Cool
Boudreau	Maheu
Bryden	Mahovlich
Callbeck	Mercier
Carstairs	Milne
Chalifoux	Moore
Cook	Pearson
Corbin	Pépin
Cordy	Perrault
De Bané	Perry Poirier
Fairbairn	Poulin
Ferretti Barth	Poy
Finestone	Robichaud
Finnerty	(<i>L'Acadie-Acadia</i>)
Fitzpatrick	Robichaud
Fraser	(<i>Saint-Louis-de-Kent</i>)
Furey	Roche
Gill	Rompkey
Graham	Setlakwe
Hays	Sibbeston
Hervieux-Payette	Squires
Kennedy	Stollery
Kenny	Taylor
Kirby	Wiebe
Kolber	Wilson—52

NAYS

THE HONOURABLE SENATORS

Andreychuk	Keon
Angus	Kinsella
Atkins	Lavoie-Roux
Beaudoin	LeBreton
Berntson	Lynch-Staunton
Bolduc	Meighen
Buchanan	Murray
Cochrane	Nolin
Cogger	Oliver
Cohen	Pitfield
Comeau	Prud'homme
Cools	Rivest
DeWare	Roberge
Di Nino	Robertson
Doody	Rossiter
Forrestall	Simard
Kelleher	Tkachuk—34

ABSTENTIONS

THE HONOURABLE SENATORS

Adams	Johnson
Christensen	Joyal
Eyton	Kelly
Gauthier	Watt—9
Grafstein	

[Translation]

ROYAL ASSENT

NOTICE

The Hon. the Speaker informed the Senate that the following communication had been received:

RIDEAU HALL

June 29, 2000

Sir,

I have the honour to inform you that the Honourable Louis LeBel, Puisne Judge of the Supreme Court of Canada, in his capacity as Deputy Governor General, will proceed to the Senate Chamber today, the 29th day of June, 2000, at 6 p.m., for the purpose of giving Royal Assent to certain bills.

Yours sincerely,

Anthony P. Smyth

Deputy Secretary, Policy, Program and Protocol

The Honourable
The Speaker of the Senate
Ottawa

BUSINESS OF THE SENATE

Hon. Marcel Prud'homme: Honourable senators, I wish to raise a point of order.

Earlier this afternoon, I received a response which reads as follows in English:

[English]

It says in English that it is a response to a question raised, et cetera, regarding "diplomatic relations with North Korea."

However, in French, it says:

[Translation]

In French, under the heading Delayed Answers to Oral Questions, I read:

...concernant l'éventualité de relations diplomatiques avec la Corée du Sud.

The correction has been made, the word Sud (South) replaced with the word Nord (North), except that I wish to have this text sent to Korea and it is not the official version.

[English]

That is my first point.

The second point is that I hope people will see another slight against the Senate in the report that I received where there is mention only of the House of Commons as a democratic institution. I consider that to be a slight since Senator Finestone and I were there in 1991, long before anyone went to North Korea. I can tell honourable senators that they know more about the Senate there than they know about the House of Commons.

[Translation]

The Hon. the Speaker: Honourable Senator Prud'homme, you have certainly raised some important points, and I thank you, but you may not raise a point of order because the *Rules of the Senate of Canada* do not cover the points you have raised.

[English]

SIR WILFRID LAURIER DAY BILL

REFERRED TO COMMITTEE

On the Order:

Third reading of Bill S-23, respecting Sir Wilfrid Laurier Day.—(Honourable Senator Hays).

Hon. Dan Hays (Deputy Leader of the Government):

Honourable senators, I move that Bill S-23 be referred to the Standing Senate Committee on Social Affairs, Science and Technology.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition):

Honourable senators, the scroll that I have states that the bill is at "third reading."

Senator Hays: Honourable senators, I have on my scroll, Item No. 1, "Third reading of Bill S-23." If I am correct, this bill has not been considered in committee.

Hon. John Lynch-Staunton (Leader of the Opposition): It does not have to be referred to committee.

Senator Hays: I know that no bill must be referred to committee.

Honourable senators, since the order stands in my name, I should like to speak to this bill. That may be helpful.

• (1720)

Honourable senators, I have had conversations with Senator Grafstein, who has been our critic or our spokesperson on this bill as well as another bill that is actually the next item on the Order Paper. We have come to the third reading stage. In other words, second reading has been given to Bill S-23. My understanding is that this bill, because there is another bill similar to it, has taken the interest of a number of senators, in particular Senator Grafstein.

We thank the Leader of the Opposition for bringing these bills forward. However, I point out that Senator Grafstein had the very good idea of rather than dealing with a series of bills, one recognizing a day for Sir Wilfrid Laurier and one recognizing a day for Sir John A. Macdonald, and presumably a series of other bills that would lead to a large number of days dedicated to individual prime ministers, that there be one bill to recognize Prime Ministers Day.

Accordingly, when this matter arose yesterday after second reading, it occurred to me at third reading stage that I should give some thought to the matter of whether this bill should be referred to a committee. I have had conversations with Senator Grafstein. He has indicated that he has a draft bill that would encompass Sir Wilfrid Laurier, Sir John A. MacDonald and all other prime ministers as being Canadians that we should recognize with a special day. The chamber was very kind and considerate to me and allowed this matter to be stood over at third reading stage to today. It is now at third reading.

I do not claim to be any expert on the rules, but in respect of all other bills, when the Speaker has risen to say, "When shall this bill be read the third time," it is not uncommon that a motion is made that it be referred to committee. Normally, Senator Lynch-Staunton would refer it, as the mover of the bill, but in this particular case, based on what I have just said, I wish to

move that this bill be referred to the Standing Senate Committee on Social Affairs, Science and Technology.

Senator Kinsella: Honourable senators, in rising to participate in the debate at third reading, I would draw the attention of honourable senators to page 1876 of the *Debates of the Senate* of yesterday, June 28, 2000. On that page, we read that on a motion of Senator Hays, the bill was placed on the Orders of the Day for third reading at the next sitting of the Senate. We are now at the next sitting of the Senate. We are in debate at third reading. Senator Hays has spoken to that debate, and I am now speaking at third reading.

In my comments, I also wish to remind honourable senators that the proponent of the bill argued at second reading that the bill should be adopted for the reasons that were given, and then the responder for the government side, Senator Grafstein, spoke. His remarks are contained on pages 1875 of the *Debates of the Senate* of yesterday. I should like to quote from Senator Grafstein because I agree with him. He said, with reference to the Sir Wilfrid Laurier Bill, "I have no objection to this bill." Then on page 1876, Senator Grafstein, speaking to the Sir John A. Macdonald Bill, stated, "...I certainly support this bill..."

Therefore, honourable senators, I wish to place on the record my support at third reading for the passage of the bill.

Senator Hays: Honourable senators, I have spoken to the bill, and I move that it be referred to the Standing Senate Committee on Social Affairs, Science and Technology. I believe that I have already said that, but Senator Kinsella wished to speak. I took my seat; he spoke. His Honour did not put the question, and that was fine with me because Senator Kinsella wanted to speak. I think His Honour used discretion in not putting the question so that my honourable friend could speak.

The Hon. the Speaker pro tempore: Honourable senators, it was moved the Honourable Senator Hays, seconded by the Honourable Robichaud (*Saint-Louis-de-Kent*), that Bill S-23 be referred to the Standing Senate Committee on Social Affairs, Science and Technology.

Senator Kinsella: On a point of order, it is not possible, according to our rules, to move a bill to committee at third reading stage. The *Debates of the Senate* clearly reflect that this bill was placed on the Orders of the Day for third reading today. We are at third reading. The bill is at third reading; it is not at second reading.

Senator Hays: Honourable senators, I think Senator Kinsella is raising a point of order, if I am not mistaken, to which I wish to speak. Without the rules in front of me, I submit to Your Honour that the Senate has the power to refer a bill to committee at any stage. Again, it is only my recollection and I cannot point to the specific rule or the references to the texts on parliamentary procedure, but I would submit that this procedure is in order and that the house has the power to refer a bill to committee at any stage. I am quite prepared to be found wrong on that point, but that is the submission I make. I would ask for a ruling.

[Translation]

POINT OF ORDER

Hon. Fernand Robichaud: Honourable senators, yesterday, when the question "When shall this bill be read the third time?" was asked, there were discussions. I thought I understood that this matter would be dealt with today. The question was not whether Bill S-23 was being referred to a committee or whether it was going to be read the third time immediately.

That is essentially the reason I seconded Senator Hays' motion to refer Bill S-23 to the Standing Committee on Social Affairs, Science and Technology.

[English]

The Hon. the Speaker *pro tempore*: Honourable senators, page 214, paragraph 731 of Beauchesne's Sixth Edition reads as follows:

When an Order of the Day for the third reading of a bill is called, the same type of amendments which are permissible at the second reading stage are permissible at the third reading stage with the restriction that they cannot deal with any matter which is not contained in the bill.

These amendments include the referral of the subject matter to a committee, according to paragraph 666. Therefore, the bill can be sent to committee.

Are honourable senators ready for the question?

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Are we at third reading stage or not?

Hon. Dan Hays (Deputy Leader of the Government): We are dealing with the motion that Bill S-23 be sent to the committee.

Senator Kinsella: Could Your Honour tell us at what stage we are at with respect to the bill? Are we at second reading or are we at third reading?

The Hon. the Speaker *pro tempore*: We are at third reading, according to the Order Paper.

Senator Kinsella: Your Honour is telling us that it is fine for Senator Hays to move the bill to committee even though it is at third reading. Thank you.

Hon. John Lynch-Staunton (Leader of the Opposition): It might be appropriate to do so, but I find this a very shabby treatment of a private bill, not because it is mine but because Senator Grafstein, whom Senator Hays has mentioned, said yesterday he was in favour of the bill. He was in favour of both of them, as a matter of fact, the one we are discussing and the one that will follow. They go to third reading. Now we are told

that Senator Grafstein may have another bill that would envelop these ideas.

That is not how we should treat private bills. We should not stop toward the end of a procedure just because someone has a bright idea. They are not even here to defend it. I shall not object to this bill moving to committee, but I shall object to the shabby treatment that this bill is being given.

• (1730)

Senator Hays: Honourable senators, I have a comment to make regarding the accusation of shabby treatment. I have never seen a hesitation in this chamber to refer a bill to committee. What is wrong with committee work?

Senator Lynch-Staunton: Why did not you do it at second reading?

Senator Hays: I was talking to someone, and I missed the opportunity to rise at an earlier point.

Senator Lynch-Staunton: Do not blame me for that. It has been on the Order Paper for two weeks.

Senator Hays: It is now in order to deal with it as we are dealing with it. I resent because accused of treating you shabbily.

Senator Lynch-Staunton: Not me, the legislation.

Senator Hays: We usually refer bills to committee. Our best work is done in committee. I believe that this bill will benefit from an opportunity to be looked at by the Standing Committee on Social Affairs, Science and Technology. That is why I have moved it.

If the honourable senator disagrees, put the question. We shall have a vote on it. I am not trying to treat anyone shabbily. I am trying to serve the best interests of this place and those who serve in it by offering an opportunity for this bill to go to committee. I think that if that opportunity is given, and that will be up to the people in the chamber, we shall find that we have a good result.

Senator Lynch-Staunton: It is shabby treatment of the bills that I am referring to, not me. I do not take it personally. It is the way in which the honourable senator is treating legislation.

The Hon. the Speaker *pro tempore*: It was moved by Senator Hays, seconded by Senator Robichaud, that this bill be sent to the Standing Senate Committee on Social Affairs, Science and Technology. Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Senator Lynch-Staunton: On division.

Motion agreed to, on division.

SIR JOHN A. MACDONALD DAY BILL

REFERRED TO COMMITTEE

On the Order:

Third reading of Bill S-16, respecting Sir John A. Macdonald Day.—(*Honourable Senator Hays*).

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, this is a similar bill. In similar fashion, I move that the bill be referred to the Standing Committee on Social Affairs, Science and Technology.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Hon. John Lynch-Staunton (Leader of the Opposition): On division.

Motion agreed to, on division.

CRIMINAL CODE

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Perrault, P.C., seconded by the Honourable Senator Fairbairn, P.C., for the second reading of Bill S-11, to amend the Criminal Code to prohibit coercion in medical procedures that offend a person's religion or belief that human life is inviolable.—(*Honourable Senator Hays*).

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I would yield to Senator Perrault, if he wishes to make a motion with respect to his bill.

Hon. Raymond J. Perrault: I understand that there will be a speaker from Her Majesty's Loyal Opposition on Bill S-11. If I rise in my place, it will end the debate and we shall be in the position to refer this bill to the appropriate committee.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I move the adjournment of the debate.

On motion of Senator Kinsella, debate adjourned.

BROADCASTING ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Sheila Finestone moved the second reading of Bill S-24, to amend the Broadcasting Act.

She said: Honourable senators, the purpose of this bill is to amend the Broadcasting Act such that the CRTC has the discretionary power to award costs when warranted by clear CRTC criteria to groups, organizations or individuals who appear before the commission for proceedings involving broadcasting or cable television matters.

This amendment brings the Broadcasting Act into concordance with the Telecommunications Act, where the same rights for cost recovery have existed for years. The wording for the amendment is exactly the same as those sections of the Telecommunications Act, section 56 and section 57, that give the CRTC the authority to establish criteria for the awarding of awards costs and assess to whom and by whom the costs are to be paid. It is important that the wording be identical between the acts in order that concordance of powers and authority for the CRTC exists between the acts and in their application in proceedings. I refer honourable senators to the summary of the proposed enactment found in Bill S-24.

As a point of information, I should like to comment on and clarify for honourable senators the use of the word "taxation" in the wording of the amendment. This is exactly the same wording that is used in the Telecommunications Act. I want to make sure that we avoid any confusion that the use of the word taxation would make this a government money bill. It does not, and it is not.

The use of the word taxation is the proper use in the context of the amendment. The word in the amendment does not have anything to do with the fiscal or money-raising powers and authority of the government. As unfortunate a choice of word as this may be by lawyers, taxation is the normal and proper legal term used by the courts in four or five regulatory agencies, such as the CRTC.

The term refers to the matter of the assessment and payment of costs and charges by parties by a regulatory agency. The same term has been used by the CRTC for telecommunications proceedings for years and is written into the Telecommunications Act, using the exact same wording as you find in this proposed amendment.

This amendment is necessary and will be extremely beneficial to the Canadian public. The ability to recover significant costs that are expended as part of participation in a CRTC proceeding, when warranted, permits consumer and public interest groups, as well as individual consumers, to develop credible and substantive research and evidence that will allow them to represent more effectively the interests of citizens in broadcasting and cable television policy and regulatory proceedings. For example, such proceedings could involve national issues, such as television policy or cable television distribution regulations, or more specific issues, such as the rates consumers pay for cable television services — something we all know about around here. This level of participation in broadcasting matters, comparable to their historic level in participation in telecommunications proceedings, is something that these groups and individuals have not been able to afford to do.

With convergence and the information highway, there has been an increasing blur between telecommunications and broadcasting services used by the public, such as new media and the Internet. Obviously, this blurring has also spilled over into CRTC proceedings involving either the Telecommunications Act or the Broadcasting Act, and at times proceedings in which both acts are involved.

To this point in time, consumers and consumer groups are only able to apply to have their costs recovered under matters that are clearly telecommunications-related and that fall under the jurisdiction of the Telecommunications Act, regardless of how much a service in question straddles both acts. This amendment brings into symmetry and balance both acts, so that consumers will be fairly and equally treated in all matters in proceedings before the commission, whether conducted under the Broadcasting Act or the Telecommunications Act.

Consumer groups across the country strongly support this initiative and the importance of cost awards. There is a list of consumers involved.

In exercising its responsibility under the Broadcasting Act, the CRTC is given decision-making powers that are important for, and have a great impact on, Canadians associated with the promotion of Canadian culture, the setting of rates, the introduction of competition and the resolution of stakeholders disputes. Section 3(d)(i) of the Broadcasting Act says that the commission is instructed

...to safeguard, enrich and strengthen the cultural, political, social and economic fabric of Canada.

The increasing complexity of the decisions that the CRTC has been called upon to make in pursuit of these objectives requires that it have informed participation in its proceedings.

The ability to receive a cost award when this is appropriate and warranted is very important to ensure effective citizen participation in the regulatory and policy processes. Under current CRTC procedures, anyone can make a submission to the CRTC in a proceeding. However, without adequate funding for consumers and their representative groups, there has always been an imbalance and inequality in the scope and substantiveness of the submissions made by consumer organizations, in comparison with those of media companies.

Individual Canadians and interested organizations have always been able to send letters and other information to the CRTC as part of broadcasting and cable proceedings. This has been

important to allow Canadians to express their views on important regulatory, policy, pricing and other service matters. This amendment will not change this. Individual Canadians or interested organizations will still have the opportunity to make these types of submissions. However, the increasing complexity of the competitive broadcasting and telecommunications markets, and the converging policy frameworks, require that, in addition to submissions from individuals and organizations that express general views, substantive and effective participation by consumer organizations representing the interests of citizens require detailed research studies and expert assistance. It is very complex, as honourable senators know.

• (1740)

No non-commercial organization outside of government has the resources to intervene on a consistent basis without financial assistance. It is vital that the process of decision making is conducted in a demonstrably fair fashion. This amendment speaks to the importance of openness, transparency and fairness for users of these services.

There are many examples of how consumers have been disadvantaged in the Broadcasting Act proceedings because cost awards were not available. Moreover, this has also become a disincentive for participation by many groups. For example, in 1997, the Public Interest Law Centre in Winnipeg represented cable subscribers in rate increase proceedings. The consumers required the expertise of the law centre to effectively argue their case. In the final decision, the CRTC ruled against a rate increase. This saved consumers millions of dollars, but the law centre was unable to recover thousands of dollars spent on expert assistance.

In another example, last year the Public Interest Advocacy Centre and the Action Réseau Consommateur participated in a joint Broadcasting Act and Telecommunications Act proceeding on new media. Together the organizations incurred several thousand dollars in expenses. This was an important proceeding that dealt with the convergence of telecommunication and broadcasting services, and the impact this would have for all citizens. Because the CRTC is not permitted to award costs under the Broadcasting Act, the groups were only able to recover costs relevant to telecommunications matters in the amount of 25 per cent, and only for matters relating to telecommunications. That is the Cost Order CRTC 2000-2. The inability to recover costs not only penalizes consumers groups and their representatives financially, but it is also a barrier and a disincentive to their right to fair participation and representation. The CRTC decision, Cost Order 2000-2, stated:

By contrast, one of the questions involved in the new media proceeding was which Act to apply to this issues, and how. In this context, the Commission considers that it is very difficult to extricate and to itemize the issues raised by PIAC/ARC to be determined pursuant to the Telecommunications Act.

Who will be funded? Not everyone who appears before the CRTC in a proceeding will automatically qualify for a cost award. With the passage of this amendment, the CRTC will draw up rules of procedure that will be used to determine the criteria for awarding costs. It is expected that these will be comparable to the criteria that already exist in telecommunications. Under the telecommunications rule of procedure for costs, applicants must demonstrate to the commission that they are representative of a group of citizens or subscribers; that they have participated in the proceeding in a responsible way; and that they have contributed in a substantive way to a better understanding of the issues by the commission.

The current criteria developed for the Telecommunications Act requires a level of expertise and a substantial amount of work by applicants, and have been sufficient to prevent any abuse of the cost awards process. In addition to the above criteria, the regulated company or companies have an opportunity to respond to any requests for costs by individual consumers or consumer organizations.

Honourable senators, in broadcasting in 1997 and 1998, the CRTC processed 1,379 applications relating to television, radio, broadcasting distribution undertakings — as we have tabled — pay and specialty television undertakings. These included requests for new licences, licence amendments and renewals, applications to transfer ownership control, and cable rate filings. The commission also issued 658 broadcasting decisions and 143 public notices. Cost awards were not available for any of these.

Cost awards in broadcasting will not be a financial burden on media companies. Companies and industry associations spend from hundreds of thousands to millions of dollars on regulatory proceedings to represent their own interests. A relatively small number of public interest, consumer groups and organizations have demonstrated expertise in this area. Other groups or associations are likely to intervene on an occasional basis; that is the multicultural groups. Any of us who have worked in this field know how complex these hearings are.

Who pays for the cost of the awards? They are paid for by companies under the commission's jurisdiction and who participated in, and have an interest in the outcome of, the proceeding. Cost awards recognize that it is important for an adjudicative tribunal to have all the relevant facts and opinions before it when it makes a decision. Without a cost award policy, only the costs of the delegation representing the interests of the shareholders of the regulated company are paid for through rates charged by the regulated company. In order for the tribunal to have before it the appropriate information that presents a fair and balanced set of arguments, independent representation of the consuming stakeholders are required. That is you and I and everyone else we know. The funding of cost awards is thus looked upon as a cost of doing business for industry players. Like the cost of the company's representations, the funds come from the cost of service for the individual industry stakeholders. This is the practice used for telecommunications.

A principle of cost awards is to compensate a deserving intervenor for the work associated with an intervention on the basis of the fair market value of the work done. The CRTC has always followed this practice in telecommunications, which was confirmed as appropriate by the Supreme Court of Canada in 1986. Many tribunals that regulate public utilities or important public services award costs of public interest intervenors to reimburse them for their intervention. In addition to the CRTC, funding is available for consumer groups participating in hearings on electrical and natural gas proceedings in many provinces in Canada, such as British Columbia, Alberta, Manitoba, Ontario and Quebec. At the federal level, the Canadian Transportation Agency is another example of a tribunal with the power to award costs.

In summation, honourable senators, this process is not new or untried. The CRTC has demonstrated that it used prudence in the exercise of its discretionary powers with cost awards in telecommunications, and the same can be expected for broadcasting matters. Applications for costs face a rigorous and fair review process. They are not automatic. There is a real need for this amendment. It will bring the Broadcasting Act into concordance with the Telecommunications Act, which is critical with the convergence of our communication policies and the communication industry.

Canadians should not be denied fair and equitable participation and representation in regulatory proceedings involving the broadcasting and cable television industry. This amendment provides the means to create this balance and fairness, and let me say to honourable senators that the following are the consumer groups across this country who support the initiative: the British Columbia Public Interest Centre, the Public Interest Law Centre, the National Anti-Poverty Organization, Canadian Labour Congress, Action Réseau Consommateur, Canadian Library Association, the Manitoba branch of the Consumers Association of Canada, the Communications Workers Union, Rural Dignity of Canada, l'Association coopérative d'économie familiale, and the Public Interest Advocacy Centre.

On motion of Senator Kinsella, debate adjourned.

BUSINESS OF THE SENATE

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I have had an opportunity to consult briefly with the Deputy Leader of the Opposition and I know senators present will rise and speak if my request is, in any way, inappropriate. I would request the consent of the chamber to leave the remaining items on the Order Paper and Notice Paper in their place and proceed now to Government Notices of Motions for the purposes of dealing with the adjournment motion.

The Hon. the Speaker *pro tempore*: Is leave granted, honourable senators?

Hon. Senators: Agreed.

ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, September 19, 2000, at 2:00 p.m.

Motion agreed to.

BUSINESS OF THE SENATE

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I move that we suspend the sitting awaiting the arrival of Her Excellency the Governor General's representative, who will be present for purposes of Royal Assent which will be at six o'clock.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned during pleasure.

[Translation]

ROYAL ASSENT

The Honourable Louis LeBel, Puisne Judge of the Supreme Court of Canada, in his capacity as Deputy Governor General, having come and being seated at the foot of the Throne, and the House of Commons having been summoned, and being come with their Speaker, the Hon. the Speaker *pro tempore* of the Senate said:

I have the honour to inform you that Her Excellency the Governor General has been pleased to cause Letters Patent to be issued under her Sign Manual and Signet constituting the Honourable Louis LeBel, Puisne Judge of the Supreme Court of Canada, her Deputy, to do in Her Excellency's name all acts on her part necessary to be done during Her Excellency's pleasure.

The Commission was read by a Clerk at the Table.

The Honourable the Deputy Governor General was pleased to give the Royal Assent to the following bills:

An Act to amend the National Defence Act, the DNA Identification Act and the Criminal Code (*Bill S-10, Chapter 10, 2000*).

An Act to implement an agreement, conventions and protocols between Canada and Kyrgyzstan, Lebanon, Algeria, Bulgaria, Portugal, Uzbekistan, Jordan, Japan and Luxembourg for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income (*Bill S-3, Chapter 11, 2000*).

An Act to modernize the Statutes of Canada in relation to benefits and obligations (*Bill C-23, Chapter 12, 2000*).

An Act to amend the National Defence Act (non-deployment of persons under the age of eighteen years to theatres of hostilities) (*Bill S-18, Chapter 13, 2000*).

An Act to implement certain provisions of the budget tabled in Parliament on February 28, 2000 (*Bill C-32, Chapter 14, 2000*).

An Act to amend the Canada Transportation Act, the Competition Act, the Competition Tribunal Act and the Air Canada Public Participation Act and to amend another Act in consequence (*Bill C-26, Chapter 15, 2000*).

An Act to amend the Canada Transportation Act (*Bill C-34, Chapter 16, 2000*).

An Act to facilitate combating the laundering of proceeds of crime, to establish the Financial Transactions and Reports Analysis Centre of Canada and to amend and repeal certain Acts in consequence (*Bill C-22, Chapter 17, 2000*).

An Act to amend the Income Tax Act, the Excise Tax Act and the Budget Implementation Act, 1999 (*Bill C-25, Chapter 19, 2000*).

An Act to amend the Canada Labour Code (Part II) in respect of occupational health and safety, to make technical amendments to the Canada Labour Code (Part I) and to make consequential amendments to other Acts (*Bill C-12, Chapter 20, 2000*).

An Act to change the name of the electoral district of Rimouski—Mitis (*Bill C-445, Chapter 21, 2000*).

An Act to change the names of certain electoral districts (*Bill C-473, Chapter 22, 2000*).

An Act to authorize the divestiture of the assets of, and to dissolve, the Cape Breton Development Corporation, to amend the Cape Breton Development Corporation Act and to make consequential amendments to other Acts (*Bill C-11, Chapter 23, 2000*).

An Act respecting genocide, crimes against humanity and war crimes and to implement the Rome Statute of the International Criminal Court, and to make consequential amendments to other Acts (*Bill C-19, Chapter 24, 2000*).

An Act to amend the Criminal Code (impaired driving causing death and other matters) (*Bill C-18, Chapter 25, 2000*).

An Act to give effect to the requirement for clarity as set out in the opinion of the Supreme Court of Canada in the Quebec Secession Reference (*Bill C-20, Chapter 26, 2000*).

The Honourable Gilbert Parent, Speaker of the House of Commons, then addressed the Honourable the Deputy Governor General as follows:

May it please Your Honour:

The House of Commons of Canada have voted certain supplies required to enable the Government to defray the expenses of the public service.

In the name of the Commons, I present to Your Honour the following bill:

An Act for granting to Her Majesty certain sums of money for the Government of Canada for the financial year ending March 31, 2001 (*Bill C-42, Chapter 18, 2000*).

To which bill I humbly request Your Honour's assent.

The Honourable the Deputy Governor General was pleased to give the Royal Assent to the said bill.

The House of Commons withdrew.

The Honourable the Deputy Governor General was pleased to retire.

The sitting of the Senate was resumed.

The Hon. the Speaker *pro tempore*: Honourable senators, I have the pleasure of inviting you to the Speaker's chambers, for some compensation for all our hard work of the past months. I also invite all of the staff and the pages — I am told there will be Coke for the pages. Have a good holiday, everyone. Thank you very much. Let the party begin!

[English]

BUSINESS OF THE SENATE

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I move that the Senate do now adjourn. In so doing, I wish all honourable senators and others present a good summer. We shall see you in the fall!

The Senate adjourned until Tuesday, September 19, 2000, at 2 p.m.

THE SENATE OF CANADA
PROGRESS OF LEGISLATION
 (2nd Session, 36th Parliament)
THE SENATE OF CANADA
PROGRESS OF LEGISLATION
 (2nd Session, 36th Parliament)
 Thursday, June 29, 2000

GOVERNMENT BILLS
(SENATE)

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
S-3	An Act to implement an agreement, conventions and protocols between Canada and Kyrgyzstan, Lebanon, Algeria, Bulgaria, Portugal, Uzbekistan, Jordan, Japan and Luxembourg for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income	99/11/02	99/11/24	Banking, Trade and Commerce	99/12/07	0	99/12/16	00/06/29	11/00
				Foreign Affairs	99/12/09	0			
S-10	An Act to amend the National Defence Act, the DNA Identification Act and the Criminal Code	99/11/04	99/11/18	Legal and Constitutional Affairs	99/12/16	2	00/02/09	00/06/29	10/00
S-17	An Act respecting marine liability, and to validate certain by-laws and regulations	00/03/02	00/04/04	Transport and Communications	00/05/09	2	00/05/17		
S-18	An Act to amend the National Defence Act (non-deployment of persons under the age of eighteen years to theatres of hostilities)	00/03/21	00/04/04	Foreign Affairs	00/05/04	0	00/05/16	00/06/29	13/00
S-19	An Act to amend the Canada Business Corporations Act and the Canada Cooperatives Act and to amend other Acts in consequence	00/03/21	00/04/06	Banking, Trade and Commerce					
S-22	A First Act to harmonize federal law with the civil law of the Province of Quebec and to amend certain Acts in order to ensure that each language version takes into account the common law and the civil law	00/05/11	00/05/18	Legal and Constitutional Affairs					
S-25	An Act to amend the Defence Production Act	00/06/14							
S-26	An Act to repeal An Act to incorporate the Western Canada Telephone Company	00/06/15	00/06/28	Transport and Communications					

GOVERNMENT BILLS
(HOUSE OF COMMONS)

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
C-2	An Act respecting the election of members to the House of Commons, repealing other Acts relating to elections and making consequential amendments to other Acts	00/02/29	00/03/28	Legal and Constitutional Affairs	00/04/13	0	00/05/31	00/05/31	9/00

C-4	An Act to implement the Agreement among the Government of Canada, Governments of Member States of the European Space Agency, the Government of Japan, the Government of the Russian Federation, and the Government of the United States of America concerning Cooperation on the Civil International Space Station and to make related amendments to other Acts	99/11/23	99/12/01	Foreign Affairs	99/12/09	0	99/12/14	99/12/16	35/99
C-5	An Act to establish the Canadian Tourism Commission	00/06/14	00/06/28	Social Affairs, Science and Technology					
C-6	An Act to support and promote electronic commerce by protecting personal information that is collected, used or disclosed in certain circumstances, by providing for the use of electronic means to communicate or record information or transactions and by amending the Canada Evidence Act, the Statutory Instruments Act and the Statute Revision Act	99/11/02	99/12/06	Subject matter 99/11/24 Social Affairs, Science and Technology	99/12/06 99/12/07	2	99/12/09	00/04/13	5/00
C-7	An Act to amend the Criminal Records Act and to amend another Act in consequence	99/11/02	99/11/17	Legal and Constitutional Affairs	99/11/30	4	99/12/08	00/03/30	1/00
C-9	An Act to give effect to the Nisga'a Final Agreement	99/12/14	00/02/10	Aboriginal Peoples	00/03/29	0	00/04/13	00/04/13	7/00
C-10	An Act to amend the Municipal Grants Act	00/03/28	00/04/10	National Finance	00/05/04	0	00/05/09	00/05/31	8/00
C-11	An Act to authorize the divestiture of the assets of, and to dissolve, the Cape Breton Development Corporation, to amend the Cape Breton Development Corporation Act and to make consequential amendments to other Acts	00/06/08	00/06/15	Energy, the Environment and Natural Resources	00/06/22	0	00/06/27	00/06/29	23/00
C-12	An Act to amend the Canada Labour Code (Part II) in respect of occupational health and safety, to make technical amendments to the Canada Labour Code (Part I) and to make consequential amendments to other Acts	00/06/01 (withdrawn 00/06/13) 00/06/13 (reintroduced)	00/06/15	Social Affairs, Science and Technology	00/06/22	0	00/06/22	00/06/29	20/00
C-13	An Act to establish the Canadian Institutes of Health Research, to repeal the Medical Research Council Act and to make consequential amendments to other Acts	00/03/30	00/04/04	Social Affairs, Science and Technology	00/04/06	0	00/04/10	00/04/13	6/00
C-16	An Act respecting Canadian citizenship	00/05/31	00/06/27	Legal and Constitutional Affairs					
C-18	An Act to amend the Criminal Code (impaired driving causing death and other matters)	00/06/19	00/06/22	Legal and Constitutional Affairs	00/06/28	0	00/06/29	00/06/29	25/00
C-19	An Act respecting genocide, crimes against humanity and war crimes and to implement the Rome Statute of the International Criminal Court, and to make consequential amendments to other Acts	00/06/14	00/06/22	Foreign Affairs	00/06/27	0	00/06/28	00/06/29	24/00
C-20	An Act to give effect to the requirement for clarity as set out in the opinion of the Supreme Court of Canada in the Quebec Secession Reference	00/03/21	00/05/18	Special Committee of the Senate on Bill C-20	00/06/19	0	00/06/29	00/06/29	26/00

C-21	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2000	99/12/14	99/12/15	-	-	99/12/16	99/12/16	36/99
C-22	An Act to facilitate combatting the laundering of proceeds of crime, to establish the Financial Transactions and Reports Analysis Centre of Canada and to amend and repeal certain Acts in consequence	00/05/09 (withdrawn 00/05/11)	00/05/17	Legal and Constitutional Affairs (withdrawn 00/05/18)	00/06/15	0	00/06/22	00/06/29 17/00
		00/05/11 (reintro- duced)		Banking, Trade and Commerce (00/05/18)				
C-23	An Act to modernize the Statutes of Canada in relation to benefits and obligations	00/04/12	00/05/09	Legal and Constitutional Affairs	00/06/08	0	00/06/14	00/06/29 12/00
C-24	An Act to amend the Excise Tax Act, a related Act, the Bankruptcy and Insolvency Act, the Budget Implementation Act, 1997, the Budget Implementation Act, 1998, the Budget Implementation Act, 1999, the Canada Pension Plan, the Companies' Creditors Arrangement Act, the Cultural Property Export and Import Act, the Customs Act, the Customs Tariff, the Employment Insurance Act, the Excise Act, the Income Tax Act, the Tax Court of Canada Act and the Unemployment Insurance Act	00/06/14	00/06/28	Banking, Trade and Commerce				
C-25	An Act to amend the Income Tax Act, the Excise Tax Act and the Budget Implementation Act, 1999	00/06/08	00/06/14	Banking, Trade and Commerce	00/06/22	0	00/06/22	00/06/29 19/00
C-26	An Act to amend the Canada Transportation Act, the Competition Act, the Competition Tribunal Act and the Air Canada Public Participation Act and to amend another Act in consequence	00/05/16	00/05/30	Transport and Communications	00/06/15	0	00/06/20	00/06/29 15/00
C-27	An Act respecting the national parks of Canada	00/06/14	00/06/28	Energy, the Environment and Natural Resources				
C-29	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2000	00/03/23	00/03/28	-	-	-	00/03/29	00/03/30 3/00
C-30	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2001	00/03/23	00/03/28	-	-	-	00/03/29	00/03/30 4/00
C-32	An Act to implement certain provisions of the budget tabled in Parliament on February 28, 2000	00/06/07	00/06/13	National Finance	00/06/15	0	00/06/19	00/06/29 14/00
C-34	An Act to amend the Canada Transportation Act	00/06/15	00/06/19	Agriculture and Forestry	00/06/21	0	00/06/22	00/06/29 16/00
C-37	An Act to amend the Parliament of Canada Act and the Members of Parliament Retiring Allowances Act	00/06/15	00/06/28	Banking, Trade and Commerce	00/06/29	0		
C-42	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2001	00/06/19	00/06/22	-	-	-	00/06/22	00/06/29 18/00

COMMONS PUBLIC BILLS

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C-202	An Act to amend the Criminal Code (flight)	00/02/08	00/02/22	Legal and Constitutional Affairs	00/03/02	0	00/03/21	00/03/30	2/00
C-247	An Act to amend the Criminal Code and the Corrections and Conditional Release Act (cumulative sentences)	99/11/02	00/05/18	Legal and Constitutional Affairs					
C-276	An Act to amend the Competition Act (negative option marketing)	00/05/18	00/06/15	Banking, Trade and Commerce					
C-445	An Act to change the name of the electoral district of Rimouski—Mitis	00/05/09	00/06/13	Legal and Constitutional Affairs	00/06/22	0	00/06/22	00/06/29	21/00
C-473	An Act to change the names of certain electoral districts	00/04/10	00/06/13	Legal and Constitutional Affairs	00/06/22	0	00/06/22	00/06/29	22/00

SENATE PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
S-2	An Act to facilitate the making of legitimate medical decisions regarding life-sustaining treatments and the controlling of pain (Sen. Carstairs)	99/10/13	00/02/23	Legal and Constitutional Affairs					
S-4	An Act to provide for judicial preauthorization of requests to be made to a foreign or international authority or organization for a search or seizure outside Canada (Sen. Nolin) <i>(Dropped from Order Paper pursuant to Rule 27(3) 00/05/11)</i>	99/11/02							
S-5	An Act to amend the Parliament of Canada Act (Parliamentary Poet Laureate) (Sen. Gratstein)	99/11/02	00/02/22	Social Affairs, Science and Technology	00/06/22	0	00/06/28		
S-6	An Act to amend the Criminal Code respecting criminal harassment and other related matters (Sen. Oliver)	99/11/02	99/11/03	Legal and Constitutional Affairs					
S-7	An Act respecting the declaration of royal assent by the Governor General in the Queen's name to bills passed by the Houses of Parliament (Sen. Lynch-Staunton)	99/11/02	00/02/22	Privileges, Standing Rules and Orders					
S-8	An Act to amend the Immigration Act (Sen. Ghitter) <i>(Dropped from Order Paper pursuant to Rule 27(3) 00/05/04)</i>	99/11/02							
S-9	An Act to amend the Criminal Code (abuse of process) (Sen. Cools)	99/11/03	00/05/04	Legal and Constitutional Affairs					

S-11	An Act to amend the Criminal Code to prohibit coercion in medical procedures that offend a person's religion or belief that human life is inviolable (Sen. Perrault, P.C.) (Dropped from Order Paper pursuant to Rule 27(3) 00/02/08) (Restored to Order Paper 00/02/23)	99/11/04	
S-12	An Act to amend the Divorce Act (child of marriage) (Sen. Cools)	99/11/18	
S-13	An Act to assist in the prevention of wrongdoing in the Public Service by establishing a framework for education on ethical practices in the workplace, for dealing with allegations of wrongdoing and for protecting whistleblowers (Sen. Kinsella)	99/12/02	00/02/22 National Finance
S-15	An Act to amend the Statistics Act and the National Archives of Canada Act (census records) (Sen. Milne)	99/12/16	
S-16	An Act respecting Sir John A. Macdonald Day (Sen. Grimard)	00/02/22	00/06/28 Social Affairs, Science and Technology 00/06/29
S-20	An Act to enable and assist the Canadian tobacco industry in attaining its objective of preventing the use of tobacco products by young persons in Canada (Sen. Kenny)	00/04/05	00/05/09 Energy, the Environment and Natural Resources
S-21	An Act to protect heritage lighthouses (Sen. Forrestall)	00/04/12	00/06/01 Fisheries
S-23	An Act respecting Sir Wilfrid Laurier Day (Sen. Lynch-Staunton)	00/06/06	00/06/28 Social Affairs, Science and Technology 00/06/29
S-24	An Act to amend the Broadcasting Act (Sen. Finestone, P.C.)	00/06/13	
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S-29	An Act to provide for the recognition of the Canadian Horse as the national horse of Canada (Sen. Murray, P.C.)	00/06/27	

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No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
S-14	An Act to amend the Act of incorporation of the Board of Elders of the Canadian District of the Moravian Church in America (Sen. Taylor)	99/12/02	99/12/07	-	-	-	99/12/08	00/03/30	
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•

36th PARLIAMENT

•

VOLUME 138

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NUMBER 75

OFFICIAL REPORT
(HANSARD)

Tuesday, September 19, 2000

THE HONOURABLE GILDAS L. MOLGAT
SPEAKER

This issue contains the latest listing of Senators, Officers of the Senate, the Ministry,
and Senators serving on Standing, Special and Joint Committees.

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THE SENATE

Tuesday, September 19, 2000

The Senate met at 2 p.m., the Speaker in the Chair.

Prayers.

SENATORS' STATEMENTS

THE SENATE

WELCOME

The Hon. the Speaker: Honourable senators, I trust you have all enjoyed a peaceful and restful summer.

[Translation]

I trust that this session will be a peaceful and enjoyable one. Welcome, everyone!

[English]

JUSTICE

EFFECT OF CHILD SEX TOURISM STATUTE IN EXTRATERRITORIAL JURISDICTIONS

Hon. Sharon Carstairs: Honourable senators, an Alberta schoolteacher accused of molesting a 17-year-old girl on a class trip to Costa Rica in April 1999 has escaped prosecution in the first test case of the child sex tourism bill known as Bill C-27, which became law after passage and Royal Assent in this chamber in May of 1997.

Under Bill C-27, Canadians accused of having sex with an underage prostitute overseas can be prosecuted in Canada without a formal request from the foreign government where the incident occurred; but, in the case of sexual interference or exploitation of a minor, the legal remedy is in the hands of the foreign jurisdiction. In these cases, charges cannot be laid in Canada unless the government of the country where the offence was committed formally requests the intervention of Canada's Justice Minister. Similar laws in the United States and other countries do not require the intervention of foreign officials.

As what happened in this case was not then against the law in Costa Rica, the Supreme Court of Costa Rica declined to make the request for intervention as necessitated under Bill C-27. Therefore, the teacher who was accused of fondling one of his charges during a school trip will not be prosecuted.

Honourable senators, Bill C-27 has a flaw. If, as in this case, the country where the abuse occurs has lenient laws protecting

children, the prosecution of the abuser is at the whim of the foreign jurisdiction and our hands are tied. The result is that our children travelling abroad on school trips with school bands or athletes travelling abroad for competitions are not protected from sexual interference or sexual exploitation by a child molester who is travelling with them. Remember that both the child and the molester are Canadian citizens.

Honourable senators, obviously there are issues of extraterritorial jurisdiction in these matters. However, as parliamentarians, we need to examine this issue and find a reasonable solution to protecting our children, at home and abroad.

HEALTH CARE

Hon. Wilbert J. Keon: Honourable senators, as we begin a new session, I would like to plead for the collective vigilance and involvement of this chamber in the debates that are underway concerning the future of our nation's health care system.

The federal election that will occur in the near future virtually guarantees that decisions will be made about the future roles and responsibilities of the federal government in the health arena. Like it or not, the health care issue will be front and centre on every political platform in the next federal election. If we are to preserve the concept of universality in our health care system, a strong federal role is imperative. We have a role, and indeed an obligation, to get involved.

For the record, let me say that I am encouraged greatly by the progress that has unfolded at the federal, provincial and territorial level regarding the recent agreement that will increase federal funding in the health arena. The injection of an additional \$23.4 billion for health and social programs over the next five years sets the stage for modernizing and stabilizing the health care system. This agreement, however, is only the beginning of a long and complex process that is urgently needed to resolve a number of issues that have been discussed for over a decade — but not acted upon.

Honourable senators, how should we promote and track excellence as a fundamental standard in the health system? What are the respective goals and modes of accountability of the federal, provincial and territorial governments for the overall planning and organization of the system? What is the best way to improve the management and delivery of health services at the community level? How can we ensure greater stability of health care services with regard to both funding and leadership?

Honourable senators, there are a few key areas where I believe we can play an important and influential role to ensure that the decisions made on these issues take us where we need to go.

First, the upcoming debates can be informed greatly by the work being conducted by the Senate subcommittee studying the state of the Canadian health care system. As honourable senators know, this subcommittee embarked on its work in December 1999 to examine the evolving role of the federal government in the system. Phase one of the subcommittee's work is now complete and the report will be tabled soon in the chamber. In my opinion, it is an excellent document. I encourage each of you to review it and use it as the basis for initiating the exploration of options for renewing the health care system. We need everyone's involvement in this work.

Second, we can play a role in ensuring that the momentum of reforms to medicare continues and that investments occur in the right places.

Honourable senators, we now have an opportunity to embark upon developing long-range initiatives that will support the emerging needs of a new society. Advances in medical knowledge and technology —

• (1410)

The Hon. the Speaker: Honourable senators, I regret to inform Senator Keon that his three-minute time period has expired.

[Translation]

MS LÉA ROBACK

TRIBUTE

Hon. Lucie Pépin: Honourable senators, on August 28, Canada lost a great citizen, Ms Léa Roback, labour activist, feminist and pacifist. She died in Montreal, not all that long before her 100th birthday.

Léa Roback was born in Montreal to Jewish parents from Poland. She grew up in Beauport, near Quebec City, as one of nine children. She never married and was well known for her outspoken nature.

Léa Roback was one of a kind, a determined woman, a woman of action. She never bowed to convention. When she was young, she aspired to study and to travel, both of which were somewhat unusual intentions for a young woman in the 1920s and 1930s. She attended the University of Grenoble, travelled around England and spent some time in Germany. Her strong commitment to communism was already in place at that time. Her political beliefs plus the fact that she was Jewish made it obvious to her that it would be a good idea to get out of Hitler's Germany.

Returning to Canada in the early 1930s, she became involved in a multitude of labour and women's movements. She had a hand in the founding of the Ladies' Garment Workers' Guild and the Saint-Henri union at the RCA Victor plant. As well, she lent her support to numerous feminist activities, including the suffragette movement, with a view to obtaining the vote for women in provincial elections, and the publication of a journal devoted to promoting peace, *La Voix des Femmes*. At the age of

92, in 1995, Léa Roback gave her support to the women's march against poverty, the Bread and Roses March.

As you can see, honourable senators, Léa Roback was a woman of conviction, a born militant, a tireless fighter! Her life of commitment was recently honoured with the creation of la Maison Parent-Roback, which houses a dozen or so Montreal organizations.

Despite the passage of years, Léa Roback remained a woman of the day; the causes that fired her battles — including the right to vote, poverty among women and violence against them, availability of abortion — continue to mobilize the women's movement today. Women have yet to enjoy full citizenship privileges. Look at the proportion of women in Parliament, although representation in the Senate is greater; free choice during pregnancy is threatened by the increase in social conservatism; poverty among women and the violence they face are such a fact of life that they have mobilized women around the world to take part in a huge happening in New York on October 16. The long fight waged by Léa Roback in the twentieth century shows us that, on the subject of women's rights, nothing is ever taken for granted.

Léa Roback may no longer be with us, but her teaching on social commitment lives on. In an individualistic society where each of us is more often concerned about maximizing our personal worth rather than investing in the community, Léa Roback is a model of an altruistic and committed citizen. Even in death, she continues her action, which history will immortalize.

[English]

ASSISTANCE TO ETHIOPIA

Hon. Donald H. Oliver: Honourable senators, I was honoured last weekend to be the guest speaker in Ottawa at a fundraising event that is designed to provide Canadian private sector support to the people of Ethiopia.

The group I addressed is called AHEAD, the Association for Higher Education and Development. It began a year ago when Canadians of Ethiopian origin decided they wanted to do something to enhance the health care and education system of the country that gave them their start. More specifically, their goal is to mobilize, coordinate and channel support toward capacity building of academic institutions in Ethiopia. Already this nonprofit group has had success. It includes shipping some 1,000 medical textbooks and journals to the medical faculty at Addis Ababa University, and they have established a bursary program for medical students. This month, 18 students studying medicine in Ethiopia will start to receive money for three academic years to support their academic needs. This is an excellent initiative.

I told the gathering that there are many things senators can do to help. Ethiopia is a country of some 60 million people. In 1998, Canadian bilateral trade was \$48.3 million, but in 1999 it dropped to a minuscule \$14.3 million. Honourable senators, that is deplorable. There is surely more that we can do as Canadians to help the people of Ethiopia.

In conclusion, honourable senators, we can assist as private individuals by speaking out and encouraging the Government of Canada to open its eyes and heart to the people of Ethiopia struggling both with essential social infrastructure initiatives and in becoming players in world trade.

I strongly commend the AHEAD initiative to you.

MR. SCOTT KIRKNESS

TRIBUTE ON RECEIVING AWARD FOR BRAVERY

Hon. Marie-P. Poulin: Honourable senators, I would like to bring to your attention a young man from Valley East who has received one of scouting's highest awards for bravery, the Bronze Cross for Gallantry.

Scott Kirkness, 13 years old, a student at Confederation Secondary School in Chelmsford, Ontario, was decorated by Governor General Adrienne Clarkson on November 17. Adrienne Clarkson is Canada's Chief Scout, as we know.

[Translation]

At the age of 13, Scott saved his parents' lives after a very serious car accident. Following the accident, he had the presence of mind and the courage to immediately help and give his father, mother and sister first aid.

His was an act of incredible bravery. He said it was due to the training he had received as a young Canadian scout that he was able to save his family's lives.

On behalf of all the honourable senators, I offer sincere congratulations to Scott Kirkness of the greater Sudbury area.

• (1420)

CANADIAN RADIO-TELEVISION AND TELECOMMUNICATIONS COMMISSION

RULING DENYING TVONTARIO REQUEST TO DISTRIBUTE TÉLÉVISION FRANÇAISE DE L'ONTARIO IN QUEBEC

Hon. Jean-Robert Gauthier: Honourable senators, in a ruling issued in March 2000, the Canadian Radio-television and Telecommunications Commission denied a request made by TVO-TFO, asking the commission to require class 1 cable companies from Quebec to distribute its educational television programming to Quebec subscribers, on an optional basis.

The CRTC had received 1,563 submissions in response to the public notice asking for comments. The overwhelming majority of these replies, that is 99.3 per cent, were in favour of TFO's request. Only 12 stakeholders were opposed to it, namely Vidéotron Communication Inc.; Cogeco Cable Canada Inc.; the Specialty and Premium Television Association; Action Réseau consommateurs; Astral; Télé-Québec; the Association des producteurs de films et de télévision du Québec; the Canadian Association of Broadcasters; the Canadian Cable Television Association; Pierre de Savoye and Roland Saumure.

Following the denial, I realized that we had to oppose the ruling and I immediately asked my lawyers to table a request for leave to appeal ruling CRTC 2000-72 to the Federal Court of Appeal.

In my opinion, the ruling is tantamount to the commission abdicating its responsibilities for the benefit of the Quebec cable industry. I also believe that this ruling violates sections 41 and 22 of the Official Languages Act. Moreover, I think that this ruling prevents francophones in Canada from using modern means of communication to exchange ideas and discuss cultural, linguistic and social issues. Francophone minorities outside Quebec need Quebec to develop and support the Canadian francophonie. In this age of the Internet and digital television, it is unacceptable that the interests of consumers be ignored for the benefit of commercial interests.

It is not enough for the CRTC to pay lip service to the promotion of French-language services in Canada. It must issue rulings that are compatible with its statements and with the spirit of the Broadcasting Act and of the Official Languages Act.

After a five-month wait, the Federal Court of Appeal denied my request. The order reads as follows:

The request for an oral hearing is denied.

Believe me, I was very disappointed. Imagine! Five months to be told: "We will not hear your case."

No reason is provided. This is very hard to understand. I intend to get back to this issue at another time.

ROUTINE PROCEEDINGS

OFFICIAL LANGUAGES

ANNUAL REPORT OF COMMISSIONER TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table the report of the Commissioner of Official Languages for the period ending March 31, 2000, pursuant to the Privacy Act, R.S.C. 1985, Chapter P-21, subsection 72(2).

[English]

CANADIAN NATO PARLIAMENTARY ASSOCIATION

CANADIAN DELEGATION TO SPRING SESSION OF NORTH ATLANTIC ASSEMBLY HELD IN BUDAPEST, HUNGARY—REPORT TABLED

Hon. Bill Rompkey: Honourable senators, I have the honour to table the seventh report of the Canadian NATO Parliamentary Association. This is the report of the official delegation that represented Canada at the 2000 spring session of the North Atlantic Assembly, involving Parliamentarians from NATO countries and held in Budapest, Hungary, from May 27-30, 2000.

THE SENATE

[English]

PROPOSED CHANGE TO RULES REGARDING
OFFICIAL LANGUAGES JOINT COMMITTEE—NOTICE OF MOTION

Hon. Jean-Robert Gauthier: Honourable senators, I give notice, pursuant to rule 57(1)(a), that on Thursday next, September 21, 2000, I will move:

That Rule 86(1) of the *Rules of the Senate* be amended:

1. by deleting paragraph (e);
2. by adding immediately after paragraph (q) the following new paragraph:

“The Senate Committee on Official Languages, composed of five members, three of whom shall constitute a quorum, to which may be referred, as the Senate may decide, bills, messages, petitions, inquiries, papers and other matters relating to official languages.”; and

3. by relettering the paragraphs accordingly.

That, notwithstanding Rule 85(3), the Senate membership on the Standing Joint Committee on Official Languages lapse; and

That a Message be sent to the House of Commons acquainting that House thereof.

[Translation]

FRENCH-LANGUAGE BROADCASTING SERVICE

NOTICE OF INQUIRY

Hon. Jean-Robert Gauthier: Honourable senators, I give notice that on Tuesday next, September 26, 2000, I shall call the attention of the Senate to the measures that should be taken to encourage and facilitate provision of and access to the widest possible range of French-language broadcasting services in francophone minority communities across Canada.

OFFICIAL LANGUAGES IN ONTARIO

NOTICE OF INQUIRY

Hon. Jean-Robert Gauthier: Honourable senators, I give notice that on Tuesday next, September 26, 2000, I shall call the attention of the Senate to the latest official languages issues in Ontario.

QUESTION PERIOD

NATIONAL DEFENCE

REPLACEMENT OF SEA KING HELICOPTERS—
COSTING ELEMENTS OF PROCUREMENT COMPETITION

Hon. J. Michael Forrestall: Honourable senators, I welcome the Leader of the Government back from Halifax, which is the Caribbean of Canada. I can attest, honourable senators, that your leader spent a lot of time on the waterfront, on yachts, opening gala events, welcoming visitors and whatnot. Now it is time for him to go back to work.

As the minister will be aware, I remain very concerned about the Maritime helicopter project and the replacement process as set out in the government's letter of interest to the industry. I am concerned that the process is not fair and open, contradicting what the Leader of the Government and other members of the government he supports have clearly said on numerous occasions over the last several months.

First, the government has clearly backed away from getting the best equipment for our aircrews and their families by stating that the basic vehicle must be “lowest priced compliant” and not “best value.” This virtually eliminates E.H. Industries from the competition as they are highly unlikely to be able to supply “bare bones” basic vehicles at \$925 million when they could only provide 15 basic helicopters for \$580 million for the Canadian Search Helicopter Program. Everyone knows, honourable senators, that the Sikorsky S-92 and the Eurocopter Cougar MK 2 are cheaper than the Cormorant.

Why did the government split the contract and stipulate lowest priced compliant? Was it to purposely side-swipe the EH-101 and to avoid further political embarrassment?

• (1430)

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, I thank the Honourable Senator Forrestall for that question. Let me assure him initially that there was no intention on the part of the government to disqualify any particular company from the competition. Hopefully the competition will proceed in a vigorous way.

The honourable senator referred to the opportunity I had to attend various functions in sunny Nova Scotia. One of those functions was the Shearwater Air Show. It was a beautiful, sunny day and I suspect the honourable senator was there himself. I had the opportunity to tour the sites of what are regarded as the three most prominent competing helicopter firms. While we did not get into any sort of serious discussion, they did seem to indicate that they were very pleased the process is moving forward. I am sure the honourable senator and I both share with them that sentiment. Indeed, none of them raised with me serious objections to the competition.

If the honourable senator has specific concerns, then I would be perfectly happy to relay them to the Minister of National Defence, but I can assure the honourable senator — and all honourable senators — that there is no intention to eliminate any particular competitor.

Senator Forrestall: Honourable senators, it would be interesting if the Leader of the Government in the Senate could tell me and the rest of the world how it would be that the group promoting the EH-101 could compete against “lowest price, not best value,” when the other two competitors are obviously priced so much lower. I need only cite Eurocopter and its Cougar MK2. It is like comparing a Chevrolet Capri and my 20-year-old vehicle, which just went through 300,000 kilometres. I might get \$4,000 or \$5,000 for it. The leader knows the difference as well as I do.

Honourable senators, I do not think there is any question that the Sikorsky S-92 is virtually eliminated from the competition to replace the Sea King for the fundamental reason, as the minister knows, that it will not be certified until early in the year 2002. The government has said that any contender not certified in the year in which the award is to be offered — 2001 — will be excluded from the competition, which takes Sikorsky out of the picture altogether. The Sikorsky S-70 Seahawk is too small, and Sikorsky realizes that fact. The Seahawk does not have enough room to accommodate crew and passengers in whatever configuration the Canadian Armed Forces might want that aircraft, depending on the mission and the nature of any off-shore peacekeeping support. The S-70 is not quite big enough for our requirements. It should be obvious to any observer, including journalists and the Canadian taxpayer, that the lowest-compliant-price rule and the certification schedule puts Sikorsky out of the competition even before it begins. Why was the certification clause so rigidly put in place and why did we go with the phrase “the cheapest, not the best”?

Senator Boudreau: Honourable senators, I have not had any deep discussions on these issues with any of the companies involved, nor with the Minister of National Defence. However, I will, as I have undertaken, raise with the minister the two issues the honourable senator has brought to the floor. In speaking to representatives of all three companies, I can only say that my impression was that they all believed that they were still in the race. Their presence and their aggressive approach was a testament to that belief.

The honourable senator raises two basic issues. I am not sure, for example, that supporters of the Cormorant believe they are necessarily eliminated by the lowest compliant price. At least, that is the impression I had from them.

As to why that approach was taken, I think it was a reasonable approach for the minister to consider. We are not looking for equipment that cannot do the job, but we have a duty to the taxpayers of the country such that if we can procure equipment capable of doing the job, very specifically defined, then we should obtain that equipment at the lowest possible price.

Senator Forrestall: I have a final supplementary, honourable senators. I raise this question against the background of the

proposals being received and considered by government not later than the 22nd day of this month, which is this coming Friday.

I would ask the minister to consult with his colleagues on this matter, particularly the Prime Minister, the Minister of National Defence, the minister for procurement of arms and goods, and whoever else may be involved, including Herb Gray's very special group, of whom I stand in great awe, although not much respect or admiration. Someone has screwed Eurocopter into the boardroom at the top of the building and left these other companies out in the parking lot. Will the leader impress upon his colleagues the importance of reading very carefully — I cannot overemphasize this point — word for word and line by line the responses the government receives from industry? Next week, I will want to ask the Leader of the Government what he then thinks, having seen the three proposals.

Senator Boudreau: Honourable senators, I will undertake to raise those issues with my colleagues. To the extent that I am aware of the proposals, I will make a special effort to determine as much detail as I can about them and release whatever I can, no doubt at the insistence of the honourable senator.

Senator Forrestall: I thank the government leader for that.

• (1440)

FOREIGN AFFAIRS

WORLD TRADE ORGANIZATION— REQUEST FOR WIN-LOSS RECORD ON DISPUTE RULINGS

Hon. James F. Kelleher: Honourable senators, my question is for the Leader of the Government in the Senate. He will be happy to know it does not concern helicopters.

Yesterday the World Trade Organization announced that Canada had lost another two disputes. First, the WTO appellate body endorsed an earlier panel ruling against Canada and in favour of the United States regarding Canada's term of patent protection. Second, the WTO dispute panel has rejected a Canadian complaint and upheld France's ban on asbestos.

The *National Post* has reported that federal trade lawyers say their advice is routinely ignored in favour of political considerations when Canada decides what cases to take before international bodies. The *National Post* also quoted a senior official in the Trade Law Division of the Department of Foreign Affairs and International Trade: “Having a friend in the Prime Minister's Office is far more important than having a good legal case.”

As honourable senators are well aware, the federal government has recently lost WTO cases regarding the stockpiling of pharmaceutical products, dairy supply management and the Auto Pact. As a former minister for international trade, I am concerned that this string of losses is causing Canada to lose credibility with our trading partners and forcing the Canadian public to lose faith in their trade agreements.

Will the leader therefore table in the Senate a full report on all cases Canada has launched and defended since the WTO treaties came into force in 1995 so that the Canadian public can assess the government's win-loss record?

Senator Kinsella: Good question.

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, I will do everything I can to provide that information. If it is not readily available, and I will have to ask the minister to prepare it. I am generally aware of the recent decisions, at least those made since my arrival here in this chamber. It strikes me that we won some and we lost some, which is not unusual in that situation. It is also not unusual that there be considerations other than strictly legal arguments brought to bear on any case involving world trade. I do not find that unusual or shocking in any way.

I will request of the minister the specific win-loss record and provide it to the honourable senator.

WORLD TRADE ORGANIZATION—INCONSISTENCY BETWEEN STANCE ON ASBESTOS RULING INVOLVING FRANCE AND POLICY ON ENVIRONMENT—GOVERNMENT POSITION

Hon. James F. Kelleher: Honourable senators, as I just mentioned, a WTO dispute panel just rejected a Canadian complaint and upheld France's ban on asbestos. I understand that the federal government has announced that it intends to appeal this panel decision to the WTO appellate body. However, last week, the Minister for International Trade announced that Canada is seeking comments on a framework for the environmental assessment of trade negotiations. There has already been press speculation on this government's inconsistent approach to these two important items. Will the leader therefore explain to the Senate how Canada can continue to fight the French asbestos ban on the one hand while, at the same time, arguing that the environment must play a greater role in Canada's international trade negotiations?

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, I would certainly support the minister's comments that environmental regulations should play a greater role and, indeed, I think that will be the case. With respect to the rationale for appealing a specific decision, I will ask the minister and his department to provide that information to the honourable senator, if indeed the appeal is going ahead.

CHURCH COMMUNITY

INDIAN AFFAIRS—FINANCIAL SUPPORT FOR LAWSUITS BY FORMER STUDENTS OF RESIDENTIAL SCHOOLS—GOVERNMENT POLICY

Hon. Douglas Roche: Honourable senators, the Leader of the Government in the Senate will recall that I raised with him in June the issue of the major churches in Canada facing hundreds of millions of dollars in legal costs and liability claims arising from suits launched by former residents of aboriginal residential schools. Just to refresh his memory, the churches involved are the

Anglican, Catholic, Presbyterian, United and Methodist churches.

Over the summer, the Anglican church announced that it had to let go a handful of national staff members because of the financial strain from litigating these residential claims. There are now at least 6,200 claims.

At the time of my question, the minister expressed a sympathetic viewpoint to the plight of the churches in this terrible dilemma. Meanwhile, a government department memo has surfaced stating explicitly that the churches, "cannot expect any easy or painless exit from their responsibilities."

Honourable senators, the issue is not about the churches escaping their responsibility. The churches have accepted their moral responsibility for any incidents of personal abuse against the students, but the issue is not personal abuse in a physical or sexual sense, lamentable as those cases may be. The issue is the government policy under which the churches were operating at the time, to assimilate native children into Canadian society. In fact, many claimants allege that the students were deprived of their culture.

Will the minister ask the government to adopt the same viewpoint expressed personally by the minister in June? He was sympathetic then concerning helping the churches in this terrible moment. Is it really in the interests of the government for churches to fall into bankruptcy or to be so crippled financially that they cannot play an effective spiritual role in modern Canada?

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, the government continues to work with the churches on this very large problem. The number of suits and the potential liability has grown dramatically in a relatively short period of time. In fact, the government has been in discussions with the churches to find methods and opportunities to resolve some of these cases without resorting to expensive litigation.

To date, I am informed that the government has settled some 300 such claims. Some of those claims have included churches that were involved with the administration of facilities from which those settled claims arose. However, as the honourable senator will know, those settled cases represent a small part of the cases that have been launched.

The honourable senator also raises another issue which is a matter of some discussion and reflection for all of us. That is the question of cultural deprivation or cultural abuse. To date, no court in the country has ever determined that to be a compensable injury, at least not to the best of my knowledge. The issue is how to deal with that claim. There are clear precedents for dealing with claims of physical or sexual abuse. Courts have dealt with those accusations in the past. Even outside of the normal court structure, when one can take a parallel but more compassionate route, some precedent exists on which to move forward. There is no such judicial basis for claims of cultural deprivation.

The government is facing a major challenge and efforts are being made, as I have described, but more discussion must take place between churches and government.

Senator Roche: Honourable senators, I am grateful that the minister has at least returned the tone of the discussion to a more responsive one than that evinced by the government memo that I cited. However, we are facing a forthcoming government policy that will go through cabinet. Material is now being prepared by the Departments of Indian and Northern Affairs and Justice. While we are on the way to formulating a formal government policy, will the minister ask the government to accept due responsibility for its own policies, which were maintained by churches over these many decades and which resulted in this horrific number of lawsuits that are financially crippling the churches? Will the government put real money into the solution to this problem the churches face?

Senator Boudreau: Honourable senators, I do not think there is any implication that the government intends to simply abandon the churches or any responsibility, legal or financial, that the government should undertake. What form those responsibilities will take, how discussions will be resolved and how the final government policy in this area will look, I am not in a position at this time to share that with the honourable senator.

• (1450)

However, as he points out, these discussions are currently ongoing. Hopefully a more detailed policy will be made public in the near future. In the meantime, I will bring the senator's views to any discussion in which I participate.

FISHERIES AND OCEANS

BURNT CHURCH, NEW BRUNSWICK—DISPUTE OVER FISHERY—REQUEST FOR UPDATE ON ARBITRATION PROCESS

Hon. Brenda M. Robertson: Honourable senators, I have a question for the Leader of the Government in the Senate. As we are all well aware, there is a major problem in Burnt Church, New Brunswick, with the fishery and the native people. It is my understanding that Mr. Rae, who has been arbitrating, has advised that he is leaving this afternoon at four o'clock, should he not have a resolution. The latest reports suggest that a resolution is not near. If the leader has further information, I would appreciate his sharing it. If Mr. Rae removes himself from this process, what plans does the government have to come to some solution of this critical problem before it escalates further?

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, I am not in a position to update the honourable senator's impressions as I am simply not privy to any developments that may have occurred over the last several hours. This is a difficult situation. Mr. Rae is an individual who appeared to be acceptable to both sides of the dispute. He has had some contact with both sides in attempting to resolve the matter through discussion and negotiation. Both parties recognize that is the proper approach. We are still hopeful that a resolution will

occur. Mr. Rae has met repeatedly with the band officials and members, with commercial fishermen and neighbouring community representatives, as well as with the Minister of Fisheries and his officials.

The band has taken a strong position to date, but the Minister of Fisheries has maintained publicly and privately that he believes it is his responsibility — indeed, his duty — to ensure the appropriate regulation of the fishery, and his efforts will continue in that regard.

I do not want to shut down the option of negotiations with Mr. Rae specifically, but if things do not proceed successfully, then we will need to look for other means of negotiation. In the meantime, the minister will take his responsibility seriously.

Senator Lynch-Staunton: Bring in the pepper spray!

Senator Robertson: All of that information is fine, but it is information that most of us already know, along with other bits of information, such as the ramming of boats and all the dreadful international press.

Senator Lynch-Staunton: That is shocking!

Senator Robertson: It is shocking. Should this process fail, the government surely must have a more peaceful and better-designed plan for harmonious relations than the one it has followed up until now, which is simply aggravating the position. There must a position other than the one the government has demonstrated thus far. The government cannot go out and shoot people or kill them with its boats and drown them. We do not want another Oka. The government seems to be abdicating its responsibility in this regard. The public wants better answers.

Honourable senators also know that the problem is more than fishing. A sensible person would assume, probably incorrectly, that the government would have plans, should the negotiations fail. I do not know what else we can say this afternoon if the government leader simply reiterates what we all know. I guess we will have to come back to this issue again tomorrow.

Senator Kinsella: Hear, hear!

Senator Boudreau: Honourable senators, the government, through the Department of Fisheries and the minister, has embarked on a vigorous path of negotiation. In fact, that process of negotiation was successful and resulted in an agreement with something like 32 of the 34 bands. With two bands, that agreement has not happened.

On an ongoing basis, we are attempting to achieve a negotiated settlement with the band in question. If it is possible, we will welcome it, as I am sure will the members of that band. Failing such successful conclusion as occurred with the other 32 bands, the minister has indicated that he cannot just stand down, stand back and say, "We were not able to reach an agreement, so I am walking away from the situation." He has an ongoing responsibility to preserve and regulate the fishery, as he is doing with the other 32 bands.

If the honourable senator has some other suggestion to make publicly or privately, certainly I would convey it to the minister. I am sure he would appreciate it.

Honourable senators, I have had the opportunity over the last month to tour extensively in the fishing areas of Nova Scotia. The view I heard clearly from the people with whom I spoke in both the commercial fishery and in the aboriginal communities was that the minister does have a responsibility to regulate the fishery.

Senator Robertson: My last comment on this subject is simply that we know the negotiations with each band are different because the history of each band is different. I am glad the government leader has been talking and visiting in Nova Scotia. It might be helpful for him to come to Burnt Church and discover the real story behind the disgraceful activity that has occurred.

Senator Kinsella: Hear, hear! I will drive you!

Senator Boudreau: The honourable senator has a position and a viewpoint, but let me say again that negotiations were successfully concluded with 32 of the 34 bands. Thirty-two bands believed that the position of the Minister of Fisheries was reasonable, or at least they reached a reasonable accommodation, but that did not happen in this case.

If the honourable senator is to condemn the minister and the government for the issue not having come to a conclusion, then she has some responsibility to indicate what she recommends. Does she recommend the Minister and the Department of Fisheries stand down?

Senator Kinsella: Negotiate.

Senator Boudreau: Leave the area?

Senator Robertson: Discuss it with the bishops of the province.

[Translation]

LEGAL AND CONSTITUTIONAL AFFAIRS

POSSIBILITY OF TELEVISION HEARINGS ON CITIZENSHIP BILL

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, my question is for the Chair of the Senate Standing Committee on Legal and Constitutional Affairs but, in her absence, I will put it to the Deputy Chair. My question has to do with Bill C-16, which is now before his committee.

I read a notice mentioning that the Minister of Citizenship and Immigration would be appearing before the committee tomorrow. Since this is a very important bill for all Canadians, I would like to know whether the committee has obtained permission to televise its proceedings.

Hon. Gérard-A. Beaudoin: Honourable senators, at the last meeting of the steering committee on Sunday, the question of televising proceedings was not on the agenda. Personally, I would have no objection to this sitting being televised. Perhaps my colleague Senator Moore, who also sits on the steering committee, could add something to this.

[English]

• (1500)

The Hon. the Speaker: Honourable senators, I would like to point out that, although I accepted that the question could be put to the deputy chair, the rules state that any questions must be put to the chair of the committee. It may be, however, that the deputy chair is also the acting chair, I do not know. In any case, I wish to make that point.

The time for Question Period has expired.

ANSWER TO ORDER PAPER QUESTION TABLED

CONCERNING THE CANADIAN FOOD INSPECTION AGENCY AND ENVIRONMENTAL ASSESSMENTS OF GENETICALLY ENGINEERED ORGANISMS

Hon. Dan Hays (Deputy Leader of the Government) tabled the answer to Question No. 12 on the Order Paper—by Senator Spivak.

ORDERS OF THE DAY

PARLIAMENT OF CANADA ACT MEMBERS OF PARLIAMENT RETIRING ALLOWANCES ACT

BILL TO AMEND—THIRD READING—DEBATE ADJOURNED

Hon. Dan Hays moved the third reading of Bill C-37, to amend the Parliament of Canada Act and the Members of Parliament Retiring Allowances Act.

He said: Honourable senators, as the sponsor of the bill, I would like to make a brief intervention at this time. I am not speaking for the last time, nor am I trying to close the debate on third reading.

This bill was on our Order Paper over the summer. It addresses what all honourable senators would agree is an anomaly in the treatment of members of the other place who retire, either by their choice or by their constituents' choice, depending on when they were elected.

I do not want to repeat what I said when addressing the bill at second reading.

The bill addresses issues which affect members who were elected in 1993 — issues which were never intended to affect them in the way that they do. Passage of this bill will ensure that those members are treated the same as all other members as far as severance is concerned. It will also provide for parity among members of the other place in so far as the pension plan is concerned. Those are the only two changes that passage of this bill will achieve.

As I have been informed, and I believe it to be the case, Bill C-37 received general support from all parties in the other place, and I would urge this place to deal with it as expeditiously as possible. At the conclusion of the debate on second reading, the bill was referred to the Banking Committee. That committee, in its wisdom chose to hold only a one-day hearing on the bill and then, having heard from the minister and his officials reported the bill back to the Senate without amendment.

Honourable senators, the Senate has resumed at this time because this bill, as well as other matters, remained on our Order Paper at the time of our adjournment on June 29. This bill is important to members in the other place, and I believe that, over the course of this week, we can expeditiously conclude the debate on third reading.

I would be pleased to elaborate on the substance of the bill and to answer any questions but, as I said at the outset, I do not think that speaking to the substance of the bill is necessary in that it is a fairly simple bill. I believe it has already been adequately described and debated at second reading stage.

On motion of Senator Lynch-Staunton, debate adjourned.

[Translation]

DEFENCE PRODUCTION ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Bill Rompkey moved that Bill S-25, to amend the Defence Production Act, be read a second time.

He said: Honourable senators, I rise at second reading of Bill S-25, to amend the Defence Production Act. I am pleased to sponsor this piece of legislation aimed at broadening the scope of the industrial security system in Canada by including the protection of certain defence-related goods and technologies.

[English]

Honourable senators, Bill S-25 is a cornerstone of Canada's commitment to control the access to and the transfer of defence-related goods and technology within our borders, as set out in Canada's Export Control List. The bill will also help ensure the competitiveness of Canada's defence aerospace and satellite industries. In short, it is an important bill that deserves the support of this chamber.

Honourable senators, we need to consider the unique nature of Canada's defence relationship with the United States in order to put the proposed amendments into perspective. Over the past decades the two countries have developed a strong, integrated

North American base for defence industries to help fulfil our defence and security responsibilities. Canada and the U.S. depend extensively on each other's defence mechanisms. We have a common interest in maintaining a secure North American perimeter to protect against illegal transfers of sensitive goods and technology, commonly known as "controlled" goods.

[Translation]

As a result of this special relationship, Canadian firms have always been able to trade controlled goods with American defence industries without having to get a license.

Under the International Traffic in Arms Regulation, or ITAR, Canadian firms have not had to comply with the costly and time-consuming requirements of the American licensing system.

[English]

This is no longer the case, honourable senators. Increased international terrorism, coupled with concerns that United States controlled goods and technology were ending up in the hands of unauthorized foreign individuals or countries, led the U.S. Department of State to amend the ITAR in April, 1999. Many of the preferential elements that had previously been available to Canadian firms were removed. New licensing requirements were imposed on a broad range of goods and technology that had previously been licence free. The definition of who could take advantage of Canadian exemptions was also narrowed considerably.

[Translation]

You will understand that these amendments had a significant impact on the industrial sector in Canada, particularly the defence aerospace and satellite industries. The ITAR licensing process is time-consuming and complex. It has seriously hindered Canada's access to U.S. controlled goods and technologies.

American firms refused to get into joint ventures with Canadian firms, resulting in missed business opportunities for the latter. Moreover, deliveries of ITAR controlled goods to Canadian industries experience major delays.

[English]

Honourable senators, Canadian government officials have been working hard to resolve this issue. Their goal has been to protect these controlled goods and the associated technology of the North American defence aerospace and satellite infrastructure, while encouraging trade and improving Canada's national economic stability.

[Translation]

These efforts were successful. In October 1999, Prime Minister Chrétien and President Clinton concluded an agreement in principle committing Canada and the United States to working together to protect controlled goods from illegal transfer, and to preserve the North American defence industrial base.

[English]

Toward this end, Canada agreed to harmonize its Export Control List, identifying controlled goods with the U.S. Munition List — its U.S. equivalent. As well, Canada undertook to strengthen controls on the re-transfer of items from Canada registered in the U.S. Munitions List. Canada has also proposed to strengthen controls within Canada on the transfer of controlled goods and technology, and to introduce appropriate legal sanctions for infractions.

For its part, the U.S. provided assurances that it was prepared to reinstate many of the benefits of the Canadian exemptions under the U.S. ITAR and ensure that these goods can be accessed within Canada by Canadian citizens, Canadian dual nationals, and permanent residents.

• (1510)

A fundamental element of the solution to this problem, honourable senators, is the establishment of a registration system to ensure effective control of, access to, and the transfer within Canada of controlled goods and technology. After examining a number of possible scenarios, the government has adopted a Canadian-made process — the Controlled Goods Registration Program, or CGRP.

[Translation]

This is the *raison d'être* of Bill S-25. The legislative measure proposed will amend the Defence Production Act so that all persons who examine, possess or transfer a controlled good within Canadian territory are either covered by this program or excluded from it.

[English]

These amendments will also provide the legal authority for the Governor in Council to make regulations to support the new registration regime. Finally, they will establish more appropriate penalties for companies or individuals who violate the act.

Honourable senators, Bill S-25 will divide the Defence Production Act into three distinctive parts. Part 1I will consist of the existing requirements of the act, except for those sections related to offences and punishments. Part 2 will define the purpose and intent of the Controlled Goods Registration Program, describe the roles and responsibilities of the involved parties, and give the Minister of Public Works and Government Services authority to administer the system. Part 3 will deal with offences and punishments for violations of Parts 1 and 2.

The registration system, as described in Part 2, is intended to be reasonable and efficient, for both government and industry.

[Translation]

To be registered, companies or individuals are required to apply to the Minister of Public Works and Government Services. The directors, officers and employees requiring access to controlled goods are covered by the registration. Companies will be responsible for screening these individuals, ensuring that the

new regulations are being respected, and establishing a verifiable compliance system.

[English]

Under Part 2, controlled goods may be transferred in Canada only between persons and certain individuals or classes of individuals whom the minister may exempt, such as U.S. visitors who are already registered with the U.S. government. Companies will be required to submit to inspections by the Department of Public Works and Government Services. Registrations and exemptions may be granted, renewed, denied, suspended, amended or revoked by the minister on the basis of security assessments.

Part 3 of the revised Defence Production Act will include new offences and greater penalties for violations, including possible jail terms. For example, companies will face significant penalties for permitting unauthorized access to controlled goods, for providing false or misleading information to the Government of Canada, for destroying records or for interfering with an inspection.

Under this new legislation, all minor offences will be punishable on summary conviction with a maximum fine of \$25,000, 12 months imprisonment, or both. More serious violations of the act will be punishable on summary conviction with a maximum fine of \$100,000, two years in prison, or both. The maximum penalty for indictable offences will be a \$2-million fine, 10 years in prison, or both. All offences are continuing — in other words, a person or company may be charged separately for each day on which an offence is committed or continues.

[Translation]

Honourable senators, Bill S-25 is not in itself a solution to defence trade-related problems that have arisen between Canada and our most important ally and trade partner, but it is a positive step in re-establishing the exemption granted to Canada from which our defence, aerospace and satellite companies have benefited in the past.

[English]

In fact, this legislation is a key element of a proposed package of regulatory and legislative measures agreed to this past June by Canada's Foreign Affairs Minister and the U.S. Secretary of State to strengthen defence trade controls in both countries. Under this agreement, the U.S. will revise the ITAR regulations to restore most of the pre-April 1999 Canadian exemptions, allowing for the licence-free-cross-border transfer for most U.S. origin controlled goods and technology. Negotiations are ongoing to fully implement the agreement.

Honourable senators, these amendments will enable the expansion of Public Works and Government Services Canada's Industrial Security Program to cover all transfers of unclassified controlled goods and technology within Canada. The department will also work with the Department of Foreign Affairs and International Trade to address in-country access and transfers of such goods and technology by unauthorized entities.

[Translation]

I would like to assure you, honourable senators, that the process of monitoring eligibility and the other components of this new registration system will not contravene the Charter of Rights and Freedoms. I would also like to point out that the federal government is not burdening the industry with any unjustified costs and regulations. This regime is necessary to guarantee national security in North America.

[English]

Consultations with industry over the past two months have revealed widespread support for this approach. The fact is that the Canadian defence and aerospace industries have been urging action on this issue for some time now. While companies will have to absorb the administrative costs of complying with the amended Defence Production Act, these costs will be minimal given the economic benefits that will result.

We should not discount these benefits, honourable senators. While this is first and foremost a security issue, these strengthened controls will also help ensure the competitiveness of Canadian defence, aerospace and satellite industries, and safeguard the 85,000 jobs they support in all regions of the country.

About 70 per cent of the \$18.5 billion in sales by the aerospace and defence industries in 1999 went to export markets, primarily the United States. Implementation of the new registration system, and the resulting reinstatement of Canada's privileged access to U.S. technology, is essential to the future viability of these strategic high-tech industries.

[Translation]

Honourable senators, later this year, the two governments will evaluate the progress that has been made in implementing the proposed legislative and regulatory changes approved last June.

[English]

Approval of Bill S-25 before that time is a key element to reaching a final resolution. It will demonstrate Canada's commitment to strengthen its own security system.

With that in mind, I ask honourable senators to join me today in voting to refer this proposed legislation to committee.

Hon. Senators: Hear, hear!

Hon. J. Michael Forrestall: Honourable senators, judging from the applause behind me, I can assure the senator who has just spoken at second reading to this long overdue and positively correct piece of legislation that we on this side of the chamber will be supporting it.

Honourable senators, notwithstanding all of that, and knowing of the great erudition of the distinguished senator, I would like the opportunity to review his remarks.

On motion of Senator Forrestall, debate adjourned.

[Senator Rompkey]

• (1520)

BROADCASTING ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Finestone, P.C., seconded by the Honourable Senator Rompkey, P.C., for the second reading of Bill S-24, to amend the Broadcasting Act.—(*Honourable Senator Kinsella*).

Hon. Noël Kinsella (Deputy Leader of the Opposition): Honourable senators, having had the opportunity over the summer break to study Bill S-24, I have come to the conclusion that this bill, which was introduced by our colleague Senator Finestone, is deserving of our careful consideration.

A number of elements in this bill have attracted my support. For example, honourable senators, first, through this amendment to the Broadcasting Act, the Canadian public will have more equitable representation and participation in regulatory and policy matters relating to the broadcasting and cable television industry in our country. Second, this change would be of benefit to the CRTC by improving the quality of evidence it receives and considers as part of the commission's policy and regulatory decision-making processes. Third, this amendment is also fair and will not burden the broadcasting industry itself.

It seems to me, honourable senators, that the bill is supportive of an important principle of public policy, namely, that citizens participate in and are represented in policy, regulatory and other decision-making activities of government and government agencies, and are able to do so in an effective way.

Honourable senators will recall that, under the Broadcasting Act, the CRTC should provide Canadians with an open process that allows all voices to be heard on those matters that come before that important agency. However, the reality is that the increasing importance of communications in our lives as we rapidly develop today's information society means that the services Canadians use, the prices that we pay, and the regulatory and policy issues that affect these have also become increasingly important for all Canadians.

Moreover, daily we all see in the media and in our individual lives the importance of such developments as the Internet and the new media. We have also been noting with dramatic impression this past few weeks the convergence of broadcasting, data and telecommunications services, as well as convergence between formerly separate companies in different sectors of the industry. This has resulted, I believe, in an increased complexity, not only of services, but also in how they are marketed and priced for Canadians. Consider also the structure and practices of the industry and the regulation of policy and, quite frankly, the blurred lines between the formerly separate areas of telecommunications and broadcasting.

My understanding of this bill is that the amendment that it seeks to bring about will not diminish the ability of Canadians to express their general views about matters relating to the broadcasting sector to the CRTC through letters or other means. This level of participation will continue. However, the changes in communications to which I have just alluded mean that, in order to have opportunities to truly participate on a fair and equitable basis and to be effective while doing this, citizens and the groups that represent them need to have the resources available to develop substantive evidence and substantive submissions. This amendment seeks to create the means to ensure that sufficient resources are available when warranted to facilitate this level of participation and representation by the citizens of Canada. The result will be that the interests of Canadian consumers will be better balanced with those of the giant media companies in decisions that are taken by the CRTC.

This change to the Broadcasting Act will also benefit the CRTC itself. Quite simply, to make good decisions that balance the interests and needs of the public with the interests and needs of industry, the commission needs to have quality research and evidence presented during its regulatory proceedings. The increased level of complexity of the communications industry, networks and services requires companies and public participants to have an increased level of expertise and provide better detail of information in their submissions, whether legal, economic, sociocultural, or whatever type of research or analysis. Improving citizens' and citizens' groups' abilities to do this will, in my view, improve the quality of evidence before the regulatory agency and therefore improve the commission's ability to render fair and balanced decisions, and to more effectively manage communications activities through policy and regulations.

My reading and understanding of Bill S-24 leads me to conclude that it addresses a major anomaly between Canada's various communications statutes. As honourable senators know, a number of statutes affect the communications sphere. Increasingly over the past few years, consumer groups have asked the commission to provide costs so they could participate more effectively in broadcasting and new media proceedings. The commission has been unable to accommodate these requests because of differences between the communications acts. This amendment, to my understanding, modernizes and brings symmetry to the major pieces of communications legislation in Canada: the Telecommunications Act and the Broadcasting Act. Therefore, it will empower the commission to apply a common set of rules for consumer participation in all of its proceedings.

Finally, honourable senators, it struck me that the bill and the amendment that it proposes to the act are fair, for this will not be a burden for broadcasters or other communication companies. The bill adopts the same long-established model for facilitating greater and more effective public participation through the awarding of costs to intervenors that has worked with great success under the Telecommunications Act. Cost awards have not been a burden to the telecommunications industry or to those broadcasters who have participated in telecommunications proceedings. Similarly, I do not believe costs awarded in the

future under the Broadcast Act will be a burden for broadcasting or cable companies. Considering the value of awards, as has been the case with communications, those costs are likely to be very small compared to the revenues or the other expenses in the given industries.

For example, honourable senators, in 1997-98, the CRTC processed 2,124 telecommunications-related applications. That is a significant number. These included applications dealing with tariffs, agreements and other applications such as competitive disputes, social and consumer issues, contributions, and exceptions, among others. In addition, the CRTC issued a total of 1,912 telecommunications decisions. That is impressive. There are only 365 days in a year. The CRTC issued 1,912 decisions, orders, public notices, cost orders and taxation orders. A total of 15 costs awards were made in that year.

• (1530)

Consumers do not participate in every CRTC proceeding. They participate in those which are most important to the interests of the broad brush of the Canadian public. Substantial effort and expert evidence are required to properly make their case and, indeed, to facilitate the CRTC in making a proper and fair decision.

The substantive participation by public interest groups in telecommunications proceedings, facilitated by intervenor cost awards, has worked. It has helped to create regulatory decisions that are equitable for a large span of interests. My reading of Bill S-24 leads me to conclude that, in regulatory proceedings conducted by the CRTC under the Broadcasting Act, it will lead to greater fairness and a higher quality of evidence and data before the decision-making body.

Honourable senators, it is for these reasons that I support the principle of this bill and recommend that it be adopted at second reading and sent to the appropriate committee for detailed study and report.

Hon. Dan Hays (Deputy Leader of the Government): Would the honourable senator permit a question?

Senator Kinsella: Certainly.

Senator Hays: Perhaps I would have asked this question of Senator Finestone, the sponsor of the bill, but for some reason I did not. In any event, I will ask Honourable Senator Kinsella, as a supporter of the bill, for a further comment on how other regulatory bodies would treat the applications that Bill S-24 envisages could be made to the CRTC for the awarding of costs. We have, for example, the Canadian Transportation Agency and the National Energy Board. We have many opportunities for panels or boards to hold hearings on environmental assessment. Without going into too much detail, has the honourable senator given any consideration to that issue? Has his research given him any information that would enable him to comment on how this would fit into the way other regulatory bodies in Canada similar to the CRTC might treat the same issue that we are dealing with here in Bill S-24?

Senator Kinsella: Honourable senators, the amendment proposed here fits in perfectly with the operation of the CRTC. It is the articulated view of the CRTC that they need that evidence coming from the great breadth of Canadian society, but there is a cost involved to get that evidence before the commission.

In the past, the industry has not found this to be burdensome at all. Considering the profit that the industry members, happily for them, are able to achieve, this has not been a problem to my knowledge. Whether that model would work or is working in other spheres, I will plead culpable ignorance; I do not know. Theoretically, here we have a successful model that seems to be working in this sector, and it breathes life and esprit into the proposition of participatory democracy.

On motion of Senator Gauthier, debate adjourned.

STATISTICS ACT NATIONAL ARCHIVES OF CANADA ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Milne, seconded by the Honourable Senator Chalifoux, for the second reading of Bill S-15, to amend the Statistics Act and the National Archives of Canada Act (census records).—(*Honourable Senator DeWare*).

Hon. Mabel M. DeWare: Honourable senators, ever since Senator Milne introduced Bill S-15 in this house, she has been anxious for it to go to committee, so I am prepared to speak to it today. I am sorry she is not here, but I will take part in the debate on Bill S-15, which proposes to amend the Statistics Act and the National Archives of Canada Act as they pertain to census records.

Bill S-15 lays the groundwork for the release of post-1901 census records. Right now, Canadian law dating back to the early 1900s requires that they be kept confidential and not be used for any other purpose. This guarantee of secrecy extends to the information that Canadians will be asked to provide for the 2001 census.

This bill would give researchers access to census records 92 years after the census. Bill S-15 would require all census data from before 1971 to be transferred from Statistics Canada to the National Archives for safekeeping. From there, the records could then be released to the public, subject to the Privacy Act.

Before getting into the nuts and bolts of the bill and sharing my personal thoughts, I wish to commend its sponsor, Senator Lorna Milne, for her hard work in drafting this legislation. Bill S-15 is obviously the product of much research and consultation. I know she took great pains to achieve a balance among a variety of competing interests and concerns. Let us take a look at some of those concerns.

Clearly, census records can be vital research tools. They are useful for genealogists, medical researchers, people who want to learn more about their family history and, in some cases, entire communities. For example, our colleague Senator Chalifoux pointed out that having access to the census records of 1906 and later would enable the Métis nation to determine its lineage. As a result, there is a concern that continued lack of access to post-1901 census records creates a serious gap in Canada's historical record. Some people are also worried that those census records might end up being destroyed, and that would be a real shame.

I do not think anyone would argue with the fact that public access to these census records could have many benefits and that they should, at the very least, be properly conserved. Indeed, Bill S-15 seeks to ensure that census records may only be destroyed or disposed of after they have been transferred to an alternative recording medium, and it reflects a belief that the records are of permanent historic and archival importance. However, these benefits must be weighed against another set of concerns, and those involve privacy and confidentiality.

Honourable senators, the information collected on individual census forms is wide-ranging. Some of the questions might be considered rather intrusive. Your answers to some questions are probably not things you would want your friends, neighbours or anyone else to know. Even after 92 years, when you might be dead and gone, your surviving family members might not want that information released either, but all of your answers to the census questions become part of a record in which you are clearly identified.

I will use myself as an example. I am 74 years old. I can assume that the 1901 census contains the individual identifiable records of my parents, grandparents and other close family. I do not expect the information contains anything terribly controversial, but one never knows. In some cases, the public release of such records might still have the potential to affect succeeding generations of a family even after 92 years have passed.

I know that Bill S-15 tries to address privacy concerns by amending the National Archives of Canada Act to provide for an objection process. The idea is that the National Archivist would accept written objections from individuals who wish their own census information to remain confidential and then, provided that its disclosure is found to be an unwarranted invasion of privacy, that information would not be released. That reminds me rather uncomfortably of negative-option billing. Under Bill S-15, people who participate in the census are deemed to consent to the release of their personal information unless they petition against it.

• (1540)

I am also intrigued by the fact that in order for an objection to be valid the National Archivist must receive it during the ninety-second calendar year following the year in which the census was taken. I would hazard a guess that not many people will be sending in written objections regarding their 1901 and 1906 census records — many of them are probably dead!

What also concerns me is that none of the people who took part in an early census knew that their records might one day be publicly released. After all, they answered the questions under a promise of secrecy. They were told that their information would only be seen by government workers and only used for the census itself. If the rules are changed now, it would be like all those people gave their personal information under false pretences. They also did not know that in the distant future there might be a way to prevent their personal information from being released.

Honourable senators, I believe there is an issue of trust here that must be examined fully when Bill S-15 goes to committee.

This bill also gives rise to another issue, which was mentioned by Privacy Commissioner Bruce Phillips when he appeared before the Committee of the Whole on May 30 — that is, the integrity of the census-taking process.

Because they are guaranteed that their answers will stay confidential, people who take part in the census have no reason to be anything less than truthful. Commissioner Phillips pointed out that a key intent of the legislation providing for the privacy and confidentiality of census records was to ensure that people provided full and accurate information. If the government cannot be certain it is receiving correct information, then I wonder how useful the results of any census would be. Again, this is a matter that should be explored in committee.

While I do have serious personal reservations about Bill S-15, I am pleased that it was introduced. Senator Milne has given us a golden opportunity to consider and to debate how privacy issues affect individuals and Canadian society as a whole. I welcome the contribution that this bill is making to the public debate regarding privacy issues, not only regarding census records, but in a wider sense as well.

Hon. Nicholas W. Taylor: Honourable senators, would the Honourable Senator DeWare entertain a question?

Senator DeWare: Of course, honourable senators.

Senator Taylor: When Mr. Phillips appeared before us, I asked him a question on this issue because I am concerned about privacy and I am trying to work out an accommodation with those who want to look into the past. After all, there are those of us who might find out things that we do not want to find out.

When Mr. Phillips was here, I suggested to him that perhaps the questions could be split in the next census: that is to say, we could have one set of questions sealed forever, as is the case now, while the other questions could either be kept secret forever or made public 20 years or 25 years from the date of the census. Would that make the honourable senator feel better in terms of the way census information is collected?

Senator DeWare: The honourable senator is suggesting that the census be divided into two sections. Alternatively, people could be asked directly if they agree to have their information made public after a certain length of time. If they answered in the

affirmative, then the information could be put into a separate file. The question needs to be asked of the public when the census is taken. That is very important.

Senator Taylor: Honourable senators, I thank Senator DeWare for her answers. It is my intention to introduce an amendment to the Census Act.

Senator DeWare: The honourable senator can suggest that if he wishes.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker *pro tempore*: Honourable senators, when shall this bill be read the third time?

On motion of Senator Hays, bill referred to the Standing Senate Committee on Social Affairs, Science and Technology.

CONFERENCE OF MENNONITES IN CANADA

PRIVATE BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Sharon Carstairs moved the second reading of Bill S-28, to amend the Act of incorporation of the Conference of Mennonites in Canada.—(*Honourable Senator Carstairs*).

She said: Honourable senators, the Conference of Mennonites in Canada was founded in 1902 and was incorporated under an act of Parliament in 1947. Traditionally, the Conference of Mennonites in Canada was composed largely of Mennonites who immigrated to Canada in the 1870s, with later immigrations in the 1920s and 1940s. Today, it is comprised of approximately 260 congregations, working in partnership with provincial and regional conferences in Canada and consisting of over 35,000 individual members. Its membership includes representation from diverse ethnic groups. Although we in this country generally tend to think of Mennonites as being of German background, they are now composed of Chinese, Vietnamese, Loation, Cambodian, Taiwanese, French, Spanish, as well as German Canadians.

The bill before us, honourable senators, seeks to update the original incorporation act of 1947 to reflect the changing nature of the organization as we enter the new millennium. In brief, the bill has 11 clauses that seek to do the following: change the corporation's name to Mennonite Church Canada; revise the constitution of the corporation, including its objects and powers; delete certain restrictions on the holding and disposition of real property; and permit the corporation to carry out its objects and exercise its powers outside Canada.

Clause 1 of the bill would change the name of the corporation from "Conference on Mennonites in Canada" to "Mennonite Church Canada." The reason for this change is that they now want to expand their activities outside this country. Furthermore, the Conference of Mennonites in Canada was integrated with the Mennonite Church of Eastern Canada in recent years and the new name, "Mennonite Church Canada," more accurately describes the new entity and its expanded goals.

Clause 2 amends section 3 of the 1947 act to change the location of the head office of the corporation from Saskatchewan to Winnipeg, Manitoba.

Clause 2(2) is a technical change needed to update the old act to provide that head office changes can be communicated to the Minister of Industry. The old act referred to the Secretary of State, who is no longer responsible.

Clause 3 of the bill creates a new section 3.1 to the act. The new 3.1(1), 3.1(2) and 3.1(3) are standard clauses setting out the legal capacity of the corporation and its capacity to carry on its work in Canada and throughout other foreign jurisdictions so far as their laws allow.

The new 3.1(4) sets out the objects of the corporation by recognizing and adding to the original objects that were found in section 4 of the 1947 act. Section 4 of the 1947 act contained a mixture of powers and objects. The objects in clause 3 of the bill have been moved to a new section 3.1.

Clause 4(1) of this bill would amend section 4 of the original act to clarify that these are the powers of the corporation. Clauses 4(2), 4(3), 4(4) and 4(5) of the bill all make technical changes to the existing powers of the corporation.

Clause 4(6) adds two new standard powers to the corporation concerning the holding and disposition of real property. These are modelled on those found in the United Church Canada Act.

Clause 5 amends section 5 of the 1947 act to put a cap of 20 as to the number of directors the corporation may have. It also provides for a minimum of three, as did the original act.

Clauses 6 and 9 of the bill amend sections 6(a) and section 13 of the 1947 act, respectively, to modernize the act and to remove limiting factors to the corporation operating internationally.

Clause 7 repeals section 9 of the 1947 act, which were old restrictions in the holding of property. These are no longer needed because of changes made in clause 4(6), as I have already mentioned.

Clause 8 replaces section 12 of the 1947 act to modernize the section dealing with who has the authority to sign for the corporation.

• 1550

Clause 10 replaces section 15 of the 1947 act in order to make it more modern and general. It is a standard investment provision and was taken from the Lutheran Church Act.

Clause 11 replaces section 16 of the 1947 act and concerns meetings of the corporation. This clause expands the act to allow for meetings of the corporation to take place abroad as well as in Canada. It also provides that three out of every four meetings must be held in this country.

As you can see, honourable senators, these changes are designed to ensure clarity of operation for the Mennonite Church. None are particularly unusual or revolutionary. It is always a concern of mine that we should even be dealing with that kind of legislation in this setting. Unfortunately, we have yet to find another means, and this is the only way in which the changes to its incorporation can take place.

I do want to close, honourable senators, by thanking the Mennonite community for its strong participation in the activities of Canada. The Mennonite Central Committee has been at the forefront in many parts of the world in that it has given so generously to those in need, many of whom were not of the Mennonite persuasion. This organization prides itself in enhancing the message that they received, as we all have received, that generosity should be a mark of each and every one of our lives. They are generous often beyond all measure of human kindness. It has been my pleasure to introduce this bill, and I recommend it to honourable senators.

Hon. Eymard G. Corbin: Would the honourable senator accept a question?

Senator Carstairs: Yes.

Senator Corbin: I realize that it could more properly be put before the committee, but I am curious. Clause 16(3) states:

For greater certainty and notwithstanding section 158 of the *Canada Corporations Act*, section 102 of that Act does not apply to the Corporation.

My question — and this may be strictly technical — is the following: What does section 102 of that act say?

Senator Carstairs: You have got me, Senator Corbin, because I have absolutely no idea. However, I will undertake to find that information and let the honourable senator know at the earliest possible time.

On motion of Senator Atkins, debate adjourned.

PRIVILEGES, STANDING RULES AND ORDERS

EIGHTH REPORT OF COMMITTEE—SPEAKER'S RULING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Austin, P.C., seconded by the Honourable Senator Banks, for the adoption of the eighth report of the Standing Committee on Privileges, Standing Rules and Orders (changes to Rule 86), presented in the Senate on June 22, 2000.

And on the motion in amendment of the Honourable Senator Roche, seconded by the Honourable Senator Rompkey, P.C., that the Report be amended by adding, before "Respectfully submitted" the following words:

"Also, that the *Rules of the Senate* be amended as follows:

a. by adding a new Rule 85 (2.2)(a):

"(2.2)(a) The Committee of Selection may make a recommendation to the Senate that two additional members be added to any standing committee."

b. by adding a new Rule 85 (2.2)(b):

"(2.2)(b) Senators may apply to sit on a standing committee either by application to their respective Whip or directly to the Committee of Selection."—(Speaker's Ruling).

The Hon. the Speaker: Honourable senators, you will recall that during the sitting on Wednesday, June 28, the Senate heard some debate from Senator Roche on the eighth report of the Standing Senate Committee on Privileges, Standing Rules and Orders. That report recommends that the Senate establish two new committees; one on Defence and Security, the second on Human Rights. At the conclusion of his speech, Senator Roche proposed that the report be amended to make two additional changes to the *Rules of the Senate*. The first would authorize the Committee of Selection to recommend the nomination of two more senators to any standing committee over and above what is currently allowed in the rules. The second part of the senator's amendment would permit senators to apply to sit on any standing committee by application either to their whip or directly to the Committee of Selection.

[Translation]

Immediately after Senator Roche had proposed his amendment, the Deputy Leader of the Opposition, Senator Kinsella, raised a point of order to challenge its procedural acceptability. Senator Kinsella expressed the view that the amendment was inadmissible because it was incongruent with the content of the eighth report and beyond its scope. After several brief exchanges among senators, I agreed to take the point of order under advisement.

Let me begin by putting this point of order into context. The motion of Senator Austin seeks the approval of the Senate for the recommendation of the eighth report to amend the rules to allow for two new committees. It is the Senate itself that will pronounce itself on the substance of the report. All senators are involved in a question of this sort. All of us have a right to decide what rules we shall have. It is permissible for a senator to move an amendment. As with every amendment, however, it must be valid procedurally.

[English]

This, of course, is the issue that Senator Kinsella raised in the point of order. Senator Roche made reference to the fact that when the Rules Committee looked at the number and size of committees last year they had done so in one report. Senator Austin also stated they had no problem with this amendment being considered as part of the report. Neither position, however, deals with the challenge raised by the point of order.

[Translation]

I have reviewed the eleventh report of the Rules Committee that was presented in the previous session on June 2, 1999. It is true, as was claimed, that the scope of that report included the addition of two new committees and the possible addition of members to all standing committees. The report also proposed new rules on the variable size of all standing committees. Moreover, it is evident that the wording of Senator Roche's amendment follows closely the text of the eleventh report. On its face then, it would seem that the amendment might be in order. However, I am obliged as Speaker to take into account other criteria.

[English]

Senator Kinsella objected to the amendment because he alleged that it was not congruent to the content of the report and beyond its scope. I find myself in agreement with his assessment. The eighth report is very limited in its subject matter, unlike the eleventh report. It seeks only the creation of two new committees and nothing else. Any amendment to this report must fall within its limited scope and be relevant to its purpose. This amendment does not do that. Instead, the amendment seeks to empower the Committee of Selection to recommend the addition of two members to any standing committee. This amendment is really a new question and should be treated as a separate motion. This conclusion agrees with citation 579(2) of *Beauchene's Parliamentary Rules & Forms*, Sixth Edition, on page 176, which prohibits amendments from raising new questions. Consequently, this amendment should be moved as a distinct motion after notice, which according to rule 57(1)(a) is two days.

The proposed amendment is not in order.

Hon. Douglas Roche: I would like to thank His Honour for his ruling. It is perhaps incumbent upon me to seek leave to withdraw the motion. If that is so, I am prepared to do that. However, I need a signal from His Honour whether I should withdraw the motion.

The Hon. the Speaker: The motion is not in order, so it is dropped, Honourable Senator Roche. Nothing prevents you, as I have said in the ruling, from coming forth with a specific motion that does the same thing.

Senator Roche: Honourable senators, I shall do that in due course.

On motion of Senator Kinsella, debate adjourned.

CHANGING MANDATE OF THE NORTH ATLANTIC TREATY ORGANIZATION

REPORT OF FOREIGN AFFAIRS COMMITTEE ON STUDY—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Stollery, seconded by the Honourable Senator Bolduc, for the adoption of the seventh report of the Standing Senate Committee on Foreign Affairs entitled: "The New NATO and the Evolution of Peacekeeping: Implications for Canada", tabled in the Senate on April 5, 2000.—(*Honourable Senator Andreychuk*).

Hon. J. Michael Forrestall: Honourable senators, I wonder if I might intervene in the item that is standing in the name of Senator Andreychuk, simply to make a few comments for a particular reason. After having made those brief interventions, I would ask that the matter stand as it does now, in Senator Andreychuk's name.

I wish to address one particular section of the report, and that is the section that concerns Canada's capacity to serve adequately and with conviction in certain of the peacekeeping operations that we are carrying out around the world.

• (1600)

We are called upon from time to time to provide assistance in one form or another, not the least of which is helicopter support. We know about our current bad track record arising from difficulties with aging equipment and old aircraft.

As we now consider replacement for the seaborne equipment, we should keep in mind the important and helpful role that we can and do play alongside our allies through NATO and, in particular, through the United Nations. We should bear in mind that part of that responsibility lies in making available specialized equipment and trained crews. To that end, Canada can make no better contribution. We can make equal contributions but none superior to the contribution we could make if we could offer to the United Nations a good, operating, new fleet of helicopters.

On motion of Senator Forrestall, for Senator Andreychuk, debate adjourned.

THE BUDGET 2000

STATEMENT OF MINISTER OF FINANCE— INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Lynch-Staunton calling the attention of the Senate

to the Budget presented by the Minister of Finance in the House of Commons on February 28, 2000.—(*Honourable Senator DeWare*).

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, this matter is now at its fifteenth day. I have already spoken to it as a substantive matter. At a moment like this, I always recall the admonition I received from Senator Macquarrie when I first arrived here. He said, "Young fellow, you don't speak twice in any one session." However, I do wish to speak twice on this budget debate. I know that my colleague Senator DeWare will also be speaking to it shortly.

The Hon. the Speaker: Honourable Senator Kinsella, have you spoken already on this same inquiry?

Senator Kinsella: No.

The Hon. the Speaker: Please proceed then.

Senator Kinsella: Honourable senators, debates on a government's budget tend to be somewhat retrospective, but I should like to make a few comments in a prospective vein.

We shall soon have an update on the budget. Around November, if not earlier, it is generally the practice of the Minister of Finance to give us a fiscal update. I would suspect that the update will reveal last year's final figures and that these will likely show that the surplus last year was \$12 billion. At least that is what is being reported by *The Globe and Mail*. That compares to the Minister of Finance's projection in February that the budget would be balanced if the government used its contingency amount, and that there would be a \$3-billion surplus if it did not.

Prospectively, again, the Minister of Finance will probably provide a revised forecast of revenue spending and the surplus for the current year and probably for the year after that as well. If those projected surpluses are to be believed, the government certainly has enough room to provide some assistance to low-income Canadians who are struggling to pay their fuel bills. That, honourable senators, is my plea in this debate.

Each of us who goes to the gas pump recognizes the significant increase in fuel prices. The government must do something about that. Because of the excellent infrastructure inherited by this government —

Senator Bryden: Plus a \$42-billion deficit. No problem spending that surplus.

Senator Kinsella: — we were able to seize upon the advantages of the North American Free Trade Agreement and to seize upon the elimination of the manufacturers' sales tax. We welcome the fact that Canadians are enjoying a higher standard of living because of a government with a sense of responsible leadership and enough courage to take the tough economic decisions. It did so perhaps knowing that the succeeding government —

Senator Bryden: Yes, borrowing \$42 billion is a tough decision.

Senator Kinsella: — would sail along without a plan, without a vision. Thank God for the tough decisions taken by that Conservative government.

Senator Robichaud: Is this *Canadian Air Farce*?

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I cannot resist asking Senator Kinsella if he would permit a question.

Senator Kinsella: I would be delighted to accept.

Senator Hays: This is an interesting topic for discussion. Two things crossed my mind as I listened to the intervention of Senator Kinsella. The Conservative budget of 1979, if I remember correctly, included an increase in fuel tax as one of its prominent features, but the budget was defeated and the government was defeated, albeit that was a minority government.

Would the honourable senator care to comment on the change in position of the Conservative Party, which he represents here, from that time to this time in regard to fuel taxes? Although I can anticipate the answer, I do want to hear the honourable gentleman's comments. I can elaborate on the question if need be.

My second thought related to the statement of the Minister of Finance that he is prepared to consider a reduction in motor fuel tax but only in the context of an initiative by a province or by the provinces.

Senator Kinsella: Honourable senators, I thank the Honourable Deputy Leader of the Government for those questions. First, I am quite willing to admit that he has probably forgotten more about the oil industry than I have ever learned in my life. As a distinguished Albertan, he comes from a province that seems now to forget that, a few years ago, the situation was very different.

Our friends in the province of Newfoundland will, hopefully soon, be in a similar position as the province of Alberta is in today. I am convinced that when that happens, my friends from Newfoundland will not be articulating the kinds of comments that we hear from many people in the other place. I hasten to add that I am referring to certain members who sit in the opposition and who have a worldview of our country that forgets the conditions found in that great oil-rich province of Alberta a few years ago.

• (1610)

Specifically, in answer to your question, I am proud to be a member of the Progressive Conservative Party and I look forward to an exciting next few months as we gear up to go to the people under our leader, who now sits in the House of Commons, the Right Honourable Joe Clark. We will not be adopting policies

where, every time there is a problem, we will hide behind the veil and say, "If the provinces do something, we might do something." That is not our definition of leadership. Our definition of leadership is to develop a national view that deals with the country as a whole —

Senator Taylor: That is called the national energy policy.

Senator Kinsella: — as opposed to the trap of the Balkanized view that our honourable friends opposite often fall into. The country must be viewed as a whole, and taxation at the federal level speaks to the revenue need that will ultimately respond to the national needs of all Canadians. It is a dangerous policy — and I trust it is not the policy of my honourable friend's party — that we only do things at the federal level if we can get the provincial governments to respond.

Consider the reality. If, in the province of Prince Edward Island, whose population is limited, there were a national need — and lower fuel prices is a national need — it would be contingent upon the Province of Prince Edward Island to reduce some of the revenue that it is able to assess under provincial legislation under their provincial jurisdiction. That would be grossly unfair. That is the kind of analysis that we would expect from those who sit in the opposition benches in the other place. It is not the view of the Pearsons or, indeed, of the Trudeaus of the past. I suggest that we not go down that avenue.

Senator Taylor: Honourable senators, perhaps I could ask the oracle on the blue side of the house another question. Was the honourable senator aware that P.E.I. and New Brunswick, supposedly poor provinces, made more money from a litre of gasoline than did the province of Alberta, until the price of crude surpassed \$18 a barrel? In other words, for the last two or three years, those provinces made more from a barrel of gasoline than Alberta did, even though it was produced in Alberta.

Senator Kinsella: If my understanding is correct, we do not refine crude from Alberta; rather, we refine crude from Venezuela and from the Middle East and, indeed, paradoxically, I do not think we even refine crude from Hibernia at the largest oil refinery in Canada, namely, the Irving refinery in Saint John, New Brunswick.

Senator Taylor: That is possibly splitting hairs, since oil is swapped. They may buy it in the West. Where they get it from does not matter. The point is that, after the retail gasoline is delivered to the shores of those provinces, they tack on a retail tax as they do for a bottle of whiskey. Is the honourable senator aware that the tax that those provinces added on to a litre of gasoline was more than the Alberta government received for producing, out of the ground, a litre of gasoline, until the crude price surpassed \$18 a barrel? In the last two years, the Alberta government has been receiving less from producing a litre of gasoline than all the provinces in Canada who have been charging the retail tax.

Senator Kinsella: I am not delighted, but I am forced —

The Hon. the Speaker: I must interrupt the honourable Senator Kinsella. I am not quite clear where we are in the debate. Was the honourable senator asking a question or making a speech? Other senators may want to ask a question of Senator Taylor. Is Senator Taylor asking a question?

Senator Kinsella: We are at the point in the proceedings where I have made a speech as a result of which honourable senators were stimulated and are now asking me questions. I would be happy to answer Senator Taylor's question.

Not only does the Province of New Brunswick get more tax out of a purchased litre of gas than the Province of Alberta does, we also pay 15 per cent HST, which is not paid in Alberta. My point is — and the honourable senator helps me make my case — that many of the provinces of Canada which do not have the natural resources that other provinces have go a great distance in assessing and raising taxation to meet the needs of their people. The fact that we are paying 15 per cent on everything we buy in our stores, and people living in Edmonton are paying significantly less, illustrates why a litre of gasoline is significantly more expensive in our part of the country which is right next to the largest oil refinery in the country. It is because there is higher provincial taxation.

Hon. Lowell Murray: I wish to ask a question of Senator Kinsella.

Would the honourable senator agree to put his excellent research staff to work on two matters that have been raised just now in questions from the other side? Senator Taylor has spoken of the situation in New Brunswick and Prince Edward Island. First, would Senator Kinsella confirm that gasoline prices are actually regulated by the Province of Prince Edward Island and perhaps bring in some details for the rest of us about how that is done and how they get away with it? I do not think it is the case in any other province.

Second, Senator Hays drew our attention to the fact that the Tory government in 1979 had proposed in its budget an 18-cents-a-gallon — we were then dealing with gallons rather than litres — increase in the price of gasoline. The budget and the government was defeated at the polls by the Liberal Party. Would Senator Kinsella inform us by what multiple of 18 cents gas taxes were increased in the succeeding four years by the Trudeau government?

Senator Kinsella: I thank Honourable Senator Murray for that question. I shall undertake to have our research staff delve into that question. I am sure that one of my colleagues in this ongoing debate will find an opportunity to present the results of that research.

On motion of Senator DeWare, debate adjourned.

NATIONAL DEFENCE

MOTION TO ESTABLISH SPECIAL SENATE COMMITTEE TO EXAMINE CONDUCT OF PERSONNEL IN RELATION TO THE SOMALIA DEPLOYMENT AND THE DESTRUCTION OF MEDICAL RECORDS OF PERSONNEL SERVING IN CROATIA— VOTE DEFERRED

On the Order:

Resuming debate on the motion of the Honourable Senator Lynch-Staunton, seconded by the Honourable Senator Kinsella:

That a Special Committee of the Senate be appointed to examine and report on two significant matters which involve the conduct of chain of command of the Canadian Forces, both in-theatre and at National Defence Headquarters and its response to operational, decision making and administrative problems encountered during the Somalia deployment to the extent that these matters have not been examined by the Commission of Inquiry into the Deployment of Canadian Forces to Somalia and allegations that Canadian soldiers were exposed to toxic substances in Croatia between 1993 and 1995, and the alleged destruction of medical records of personnel serving in Croatia;

That the Committee in examining these issues may call witnesses from whom it believes it may obtain evidence relevant to these matters including but not limited to :

1. The present Minister of Defence in relation to both matters;
2. Former Ministers of National Defence in relation to both matters;
3. The then Deputy Minister of National Defence in relation to both matters;
4. The then Acting Chief of Staff of the Minister of National Defence in relation to the Somalia occurrence;
5. The then special advisor to the Minister of National Defence (M. Campbell) in relation to the Somalia occurrence;
6. The then special advisor to the Minister of National Defence (J. Dixon) in relation to the Somalia occurrence;
7. The persons occupying the position of Judge Advocate General during the relevant period in relation to the Somalia occurrence;
8. The then Deputy Judge Advocate General (litigation) in relation to the Somalia occurrence; and
9. The then Chief of Defence Staff and Deputy Chief of Defence Staff in relation to both occurrences.

That seven Senators, nominated by the Committee of Selection act as members of the Special Committee, and that three members constitute a quorum;

That the Committee have power to send for persons, papers and records, to examine witnesses under oath, to report from time to time and to print such papers and evidence from day to day as may be ordered by the Committee;

That the Committee have power to authorize television and radio broadcasting, as it deems appropriate, of any or all of its proceedings;

That the Committee have the power to engage the services of such counsel and other professional, technical, clerical and other personnel as may be necessary for the purposes of its examination;

That the political parties represented on the Special Committee be granted allocations for expert assistance with the work of the Committee;

That it be empowered to adjourn from place to place within and outside Canada;

That the Committee have the power to sit during sittings and adjournments of the Senate;

That the Committee submit its report not later than one year from the date of it being constituted, provided that, if the Senate is not sitting, the report will be deemed submitted on the day such report is deposited with the Clerk of the Senate.—(*Honourable Senator Kinsella*).

The Hon. the Speaker: Honourable senators, I must advise honourable senators that if Senator Lynch-Staunton speaks now, his speech will have the effect of closing debates on the motion. Please proceed.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, the subject matter of Somalia has been off and on our Order Paper for over three years now. While I will not give its long history, I must remind colleagues of its purpose. It is to complete what the commission of inquiry into the deployment of Canadian forces into Somalia was forbidden to do, that is, to examine the last aspects of the post-deployment phase of the Somalia operation.

I wish to quote from the commission's report to explain the problem that it faced.

• (1620)

It starts off by saying:

First, the Inquiries Act provides the authority to subpoena witnesses, hear testimony, hire expert counsel and advisers,

and assess evidence. Under normal circumstances, such powers should have given us the confidence to present our findings without qualification. However, on January 10, 1997, while Parliament was adjourned, the Minister of National Defence announced that Cabinet had decided that this inquiry had gone on long enough, that all hearings must be cut off on or about March 31, 1997, and that a report with recommendations was required by June 30, 1997.

The commission report goes on to state that:

This was the response of the Government to our letter setting out reporting date options and requesting an extension until at least December 31, 1997, a period of time that would have allowed us to conclude our search for the truth. That search had already involved, among other things, thousands of hours of preparation and cross-examination of the individuals who played various roles in the Somalia deployment — and as time progressed, the superior officers to whom they reported. As our investigation progressed, we were able to move closer to the key centres of responsibility as we moved up the chain of command. Unfortunately, the Minister's decision of January 10, 1997, eliminated any possibility of taking this course to its logical conclusion and prevented us from fully expanding the focus to senior officers throughout the chain of command who were responsible before, during and after the Somalia mission.

The commission concludes this part of its report by stating:

The unexpected decision to impose a sudden time constraint on an inquiry of that magnitude is without precedent in Canada. There is no question that it has compromised and limited our search for the truth. It will also inhibit and delay corrective action to the very system that allowed the offence to occur in the first place.

Honourable senators, the result of this decision to close down the inquiry before it completed its work is that the reputations of senior Department of National Defence officials, military and civilian, as well as at least one former minister of national defence, have been blemished by innuendoes and testimony to which they have never had an opportunity to reply, despite formal requests to appear before the commission to do so. The only purpose of the original motion on Somalia was to complete what the government shamelessly refused the commission and to allow those in the key centres of responsibility an opportunity to reply to previous testimony in which they were mentioned. That this will not be done is a deep stain on the principle of the rule of law, and the Senate has an opportunity to correct that.

When the motion was reintroduced, events in Croatia were added to it. Indeed, over the years there has been a string of events involving the Department of National Defence which, once reported — usually through other than official sources — are denied or "subject to internal investigations," whatever that means.

I now want to list some of the events over the last few years that have involved the Department of National Defence to show how important it is that a parliamentary committee, whether it be special or standing, do a thorough investigation of this department, which, to date, has been able to get away with internal examinations and with certain denials and — not to be too strong in wording — to use the wording of the Létourneau commission's report, cover-up.

The following is a list of what has been going on and reported regarding the Department of National Defence.

In June 1997, a colonel went missing after he was charged with fraud, bribery and obstructing justice while commander of Canadian peacekeepers in Haiti.

In the spring of 1998, *Maclean's* magazine did two cover stories about sexual assault and sexual harassment that went unpunished in the military. The medical records of one of the soldiers who survived an assault were subsequently leaked to the press in an effort to destroy her credibility.

In June 1998, it was reported that the senior naval officer in Washington was charged with fraud.

In July of that same year, it was reported that the Chief of Defence Staff, formerly the army commander, had ignored an army captain's memo about the alleged sexual harassment of a waitress by the former commander of the Canadian contingent in Somalia in 1993. The incident went unpunished by the former base commander who replaced the Chief of Defence Staff as commander of Canada's army.

In October 1999, it was reported that senior officers of the military police's National Investigative Service, the NIS, were under investigation for illegally using military vehicles to go to bars and shopping malls. Those charges were dropped by the military police. On that same day, it was reported that a former captain was charged with torture and confinement relating to a 1992 military training exercise. He was with the ill-fated platoon in Somalia the night of the March 4 shooting.

In October, it was reported that the Information Commissioner was prepared to ask for a police investigation after documents released under the Access to Information Act were shredded. Also in October, it was reported that members of the 430 helicopter squadron deployed to Haiti were under investigation for unsafe and unprofessional acts. The same month it was reported that Canadian Forces personnel may have been exposed to hazardous chemicals prior to the Kosovo deployment.

In November, it was reported that military justice treated lower ranks more severely than senior officers. Also in November, Warrant Officer Matt Stopford came forward to complain about the way that former peacekeepers were treated by the Canadian government after he and others became sick following overseas service.

In October, the Secretary-General of NATO, Lord Robertson, criticized Canada's lack of defence spending. After five years of infighting over the restructuring of the reserves, the government appointed the Honourable John Fraser to review the critical situation of Canada's militia.

In November 1999, it was reported that a senior NIS investigator was removed from the toxic soil investigation by the ombudsman for threatening legal action against the whistle-blower in the case. In the same month it was reported that documents had surfaced questioning the necessity of building a new armoury in Shawinigan, the Prime Minister's riding. A few days later it was reported that an internal DND survey found that 77 per cent of personnel felt the Canadian Forces were unprepared for war. A day later it was announced that military police were investigating allegations that Canadian peacekeepers had smuggled home confiscated foreign weapons from peacekeeping duties. A week later it was reported that the Minister of Defence closed an investigation into Canadian peacekeepers accused of smuggling refugees in Bosnia. Two days later it was reported that the Auditor General had uncovered a gasoline purchasing kickback scheme involving military personnel and that the investigation was dropped by the military police due to a lack of evidence. On that same day it was revealed that a senior Canadian Forces officer was under investigation for sexual misconduct at Cold Lake.

On December 6, it was revealed that nine members of Canada's elite commando unit JTF2 were charged with weapons violations. Ten days later it was reported that DND had left confidential documents aboard two warships sold to a private scrap dealer. It was earlier reported that the government had failed to remove a rocket launcher, satellite equipment and other communications hardware prior to sale.

Subsequently, it has been reported that the military police would not lay charges regarding Matt Stopford's alleged poisoning, which I mentioned earlier, and that the ombudsman's wish to review the case was disallowed and that a further board of inquiry recommended charges against the platoon members.

Last, but not least, an investigation is now underway into allegations that the Royal 22nd Regiment diverted money meant for training exercises to operate their regimental museum.

Add to these serious discipline and leadership breaches the profound lack of readiness in the Canadian Forces today; Sea Kings in constant emergency landings like the one that was ditched a few months ago in the Pacific; Hercules transport planes that could not go to Timor because of mechanical faults; CF-18s and their rudders, which are rotting out, and the aircraft failed to hit their targets 30 per cent of the time in Kosovo.

Honourable senators, the list goes on and on. What about the investigation of undiagnosed illness of Canadian peacekeepers from Croatia, which found that DND and Veterans Affairs' treatment of Canadian peacekeepers was disgraceful?

In January of this year it was reported that a brigadier general was made the scapegoat as head of Canada's failing military medical services. On that same day it was disclosed that nine navy divers were facing court martial over the poaching of lobsters. Two have pleaded guilty, one was found guilty, one had charges dropped for lack of evidence, and five faced courts martial.

In January it was also reported that off-duty military personnel used a helicopter to hunt caribou in Labrador. This followed an early incident when another Griffon helicopter crew buzzed the Confederation bridge. A senior Canadian officer was found guilty of being drunk in violation of the two-beer rule while commanding Canadian Forces personnel in Kosovo.

• (1630)

In January, it was reported that no cause had been determined of an undiagnosed illness afflicting Canadian peacekeepers in Croatia. This came after allegations of record tampering and shredding.

In February, it was reported that the military knew that it was on shaky legal grounds to order personnel heading to the gulf to take the suspected anthrax vaccine months before it convened a court martial on Sergeant Kipling. After years of failure and denial in coming to terms with sick Gulf War veterans, an independent autopsy on the late Terry Riordon found traces of depleted uranium in his body, a long-suspected cause of Gulf War sickness, long denied by DND even though DND had known that military radiation detectors had been inadequate since 1975.

In February, it was reported that the investigation into the theft of monies from HMCS *Montreal* had been halted for fear of violating the crew's privacy. In February, it was reported that the Honourable John Fraser's report to the Minister of Defence on the Canadian Forces progress had found that the senior military leadership was in need of a cultural shift. In the same month, it was announced that the Minister of National Defence would challenge his subpoena to testify before the Kipling court martial.

In March, in the trial of a former member of the Airborne Regiment for a bank robbery in Calgary in 1998, it was revealed that military weapons had been used in the robbery and that criminal gangs were trying to recruit Canadian military personnel because of their expertise with weapons and explosives.

In May, it was reported that DND was accused of a cover-up after two Canadian officers were beaten and interrogated in the Congo. On that same date, it was reported that between 1995 and 1999, there had been 25 racist incidents in the Canadian Forces. That same month, it was reported that members of JTF2 and the

naval reserves were suspected of being involved, along with a former member of the Airborne Regiment, in the 1998 Calgary bank robbery and that they were still serving in the Canadian Forces. Later, it was reported that a military investigation had found that members of Matt Stopford's platoon tried to poison him in Croatia in 1993.

In June, it was reported that it was widely known that soldiers in Croatia in 1993 were distraught over their conditions and mission and were hatching plots to harm their leaders.

Honourable senators, I am trying to present to this chamber that there are some very disturbing things going on in the department. We are only getting small fragments of information about them, and we leave it too much to DND to resolve the problems itself under its own conditions, within its own walls, without any parliamentary input whatsoever.

This is a bit off topic, but remember that the Aurora maritime patrol aircraft cannot fly too high due to aircraft skin weaknesses and it cannot fly too low due to altitude meter failures. The army's main battle tanks are too soft-skinned for front-line service, and its LAV vehicles were called junk in an internal report by the commander of Canada's Kosovo contingent. We have an army stretched so thin that it cannot deploy two battle groups at once and sustain them indefinitely overseas, and we have a navy that has had three ship collisions and two significant missile misfires, one of which hit a storage shed in British Columbia. We will put those down to human error, but there is something fundamentally wrong in the treatment of those who want to bring some semblance of order in a culture that for too long has been allowed to decide by itself, for itself, how certain charges and certain grievances should be treated.

I wish to end, honourable senators, by going back to this motion and to quote from a CBC interview on June 28 with former private Kyle Brown, who was there the night of the murder in Somalia and who, of all those who were charged and eventually found guilty — and there were not many — spent the longest time in jail. He has found himself in a position now to live in northern Alberta. He has an axe to grind, but I will quote him, knowing full well that his feelings toward this government and the military are certainly no longer very positive. He does say things here that I do share, as do, I hope, many in this chamber.

He was asked by the interviewer:

When this is all going on, your court martial, you get sentenced, you're in jail, and then afterwards the Somalia inquiry is going on. It's going on and you're thinking you know, I'm going to get my time, I'm going to get my say in this. And then the Somalia inquiry is shut down before they get to you. What was your reaction?

This is Brown's answer, or part-answer:

I've never heard of anything that was more of an affront to democracy, an affront to justice as the Liberal administration ending that inquiry. And I know exactly why they did it, we all do. Even if they want to pretend that they did it for different reasons we all know that the Liberals knew that they wouldn't be able to survive this inquiry if the truth was made known about their involvement.

Question:

It's still...unresolved with you?

Brown answers, in part:

...I think back on the injustices and the tragedies which are multi-level in this case, and I think the greatest tragedy to occur in this entire sordid affair was the fact that the inquiry was shut down. I viewed the inquiry as the last vestige of justice, not only for myself but for the Airborne Regiment and for the two commandos, but the government just didn't want to see that. The government didn't want the truth, they just wanted silence.

Again, keep in mind the authorship of those statements and the background to them, but there is a lot of truth to that. The government shut down the Somalia inquiry because it did not want to know, as Justice Létourneau himself said, the truth.

Honourable senators, the purpose of this motion is to get to that truth, and I hope that the motion will be supported. The chances of that are quite slim, and I appreciate that. I know that there is a proposal on the Order Paper to create a standing committee on national defence, which I support, but not at this time, because I do not think that we should look at our committees in isolation. I think we should look at the whole committee structure and the resources available to them.

I had hoped that during the summer, at the urging of this side, the Rules Committee would have been able to look at the committee structure and come back with specific recommendations as soon as we reconvened. Unfortunately, that was not done. If this motion is not given the support I think it deserves, I would hope that a committee on national defence, once it is formed, will have as its first obligation to the people of Canada a term of reference that would allow it to go into a thorough examination of the Department of National Defence, particularly in terms of discipline, in terms of fairness, in terms of equality of treatment and in terms of allowing those members who have grievances an opportunity to air them. They must be given a fair hearing, rather than be dismissed or dealt with internally without any opportunity for the public and, in particular, Parliament, which represents the public, to see that fairness and justice are done.

That, honourable senators, is the purpose of this motion, and I thank you for your patience.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: Will those honourable senators in favour of the motion please say "yea"?

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those honourable senators opposed to the motion please say "nay"?

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "nays" have it.

And two honourable senators having risen.

The Hon. the Speaker: Honourable senators, we will have a standing vote. Is there an agreement between the whips?

• (1640)

Hon. Mabel M. DeWare: I move that the standing vote be deferred until tomorrow at 5:30 p.m.

The Hon. the Speaker: Pursuant to our rules, the opposition whip requests that the vote be deferred until tomorrow at 5:30 p.m. Is it agreed, honourable senators?

Hon. Senators: Agreed.

BUSINESS OF THE SENATE

ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I would like to move a motion which, under the provisions of our rules, I will change somewhat from the text before me in that we now have a vote scheduled for 5:30 p.m. tomorrow. I was not aware of that possibility at the time this particular adjournment motion was drafted. Accordingly, I will make some modifications to ensure that we accommodate that decision of this chamber.

Therefore, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until tomorrow, Wednesday, September 20, 2000, at 1:30 p.m.; and

That at 3:30 p.m. tomorrow, if the business of the Senate has not been completed, the Speaker shall interrupt the proceedings to suspend the Senate until 5:30 p.m. for the taking of the deferred vote on the motion of Senator Lynch-Staunton and any deferred vote which might occur on September 20, 2000; and

That all matters on the Orders of the Day and on the Notice Paper that have not been dealt with by 3:30 p.m. shall retain their original position.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Perhaps the Deputy Leader of the Government would agree that it might be more convenient for the conduct of tomorrow's business if we could have an agreement that the vote be deferred until 3:30 in order that the bells will ring at 3:15 and the committees shall proceed following the vote.

Senator Hays: I hear significant support for that idea. In order to be on good terms with my colleagues, I would be happy to so agree. I do point out that it is possible that votes will be called tomorrow, and that part of the motion that deals with a vote that is deferred tomorrow would provide that it be deferred to 5:30 p.m. Though I am not aware of any votes that will be deferred to that time, we must provide for that eventuality.

Subject to that, I agree with my colleague and would amend the motion that I have made accordingly.

The Hon. the Speaker: Is leave granted to rescind the decision to defer the vote until 5.30 p.m.?

Hon. Senators: Agreed.

The Hon. the Speaker: The next proposal before us which deals with the motion which was changed from the text that I have is that we meet tomorrow at 1:30. Perhaps I should ask for agreement on my understanding of the motion rather than quote the exact wording of the motion. Is the motion that at 3:15 the

sitting of the Senate be suspended, the bells will then ring, and the vote will be held at 3:30?

Senator Hays: Your Honour, I suggest that we ought to indicate that the vote will be on item number 7.

The Hon. the Speaker: The item to which we are referring is number 7, the motion by the Honourable Senator Lynch-Staunton. Is it agreed, honourable senators?

Hon. Senators: Agreed.

Senator Hays: However, Your Honour, a matter may arise for which we need a division and which might require to be deferred until 5:30 tomorrow. That is why I elaborated on this motion, as I have on all occasions. In the event that happens, that deferred division would take place at 5:30 on Wednesday, as would normally be the case, even though the Senate had adjourned, by order, at 3:30.

Senator Kinsella: If I might be of assistance, it is our understanding that we will meet tomorrow at 1:30 p.m. At 3:15, the Speaker will call for the ringing of the bells. A vote will be taken on the motion of Senator Lynch-Staunton. At the end of that vote, there may be a suspension of the sitting because a deferred vote has occurred between 1:30 and 3:15. If there is no such deferred vote, the motion will not be for suspension, but rather for adjournment.

Senator Hays: That is correct.

The Hon. the Speaker: That would be the preferable way to proceed. We cannot agree to both suspend and adjourn. We cannot do both at the same time. Thus, we will address the subject of suspension or adjournment tomorrow when we reach that point. Is it agreed, honourable senators?

Hon. Senators: Agreed.

The Senate adjourned until Wednesday, September 20, 2000, at 1:30 p.m.

APPENDIX

Officers of the Senate

The Ministry

Senators

(Listed according to seniority, alphabetically and by provinces)

Committees of the Senate

THE SPEAKER

THE HONOURABLE GILDAS L. MOLGAT

THE LEADER OF THE GOVERNMENT

THE HONOURABLE J. BERNARD BOUDREAU, P. C.

THE LEADER OF THE OPPOSITION

THE HONOURABLE JOHN LYNCH-STANTON

OFFICERS OF THE SENATE**CLERK OF THE SENATE AND CLERK OF THE PARLIAMENTS**

PAUL BÉLISLE

DEPUTY CLERK, PRINCIPAL CLERK, LEGISLATIVE SERVICES

GARY O'BRIEN

LAW CLERK AND PARLIAMENTARY COUNSEL

MARK AUDCENT

USHER OF THE BLACK ROD

MARY McLAREN

THE MINISTRY

According to Precedence

(September 19, 2000)

The Right Hon. Jean Chrétien	Prime Minister
The Hon. Herbert Eser Gray	Deputy Prime Minister
The Hon. Lloyd Axworthy	Minister of Foreign Affairs
The Hon. David M. Collenette	Minister of Transport
The Hon. David Anderson	Minister of the Environment
The Hon. Ralph E. Goodale	Minister of Natural Resources and Minister responsible for the Canadian Wheat Board
The Hon. Sheila Copps	Minister of Canadian Heritage
The Hon. John Manley	Minister of Industry
The Hon. Paul Martin	Minister of Finance
The Hon. Arthur C. Eggleton	Minister of National Defence
The Hon. Anne McLellan	Minister of Justice and Attorney General of Canada
The Hon. Allan Rock	Minister of Health
The Hon. Lawrence MacAulay	Solicitor General of Canada
The Hon. Alfonso Gagliano	Minister of Public Works and Government Services
The Hon. Lucienne Robillard	President of the Treasury Board and Minister responsible for Infrastructure
The Hon. Martin Cauchon	Minister of National Revenue and Secretary of State (Economic Development Agency of Canada for the Regions of Quebec)
The Hon. Jane Stewart	Minister of Human Resources Development
The Hon. Stéphane Dion	President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs
The Hon. Pierre Pettigrew	Minister of International Trade
The Hon. Don Boudria	Leader of the Government in the House of Commons
The Hon. J. Bernard Boudreau	Leader of the Government in the Senate
The Hon. Lyle Vanclief	Minister of Agriculture and Agri-Food
The Hon. Herb Dhaliwal	Minister of Fisheries and Oceans
The Hon. Claudette Bradshaw	Minister of Labour
The Hon. George Baker	Minister of Veterans Affairs and Secretary of State (Atlantic Canada Opportunities Agency)
The Hon. Robert Daniel Nault	Minister of Indian Affairs and Northern Development
The Hon. Maria Minna	Minister for International Cooperation
The Hon. Elinor Caplan	Minister for Citizenship and Immigration
The Hon. Ethel Blondin-Andrew	Secretary of State (Children and Youth)
The Hon. Raymond Chan	Secretary of State (Asia-Pacific)
The Hon. Hedy Fry	Secretary of State (Multiculturalism) (Status of Women)
The Hon. David Kilgour	Secretary of State (Latin America and Africa)
The Hon. James Scott Peterson	Secretary of State (International Financial Institutions)
The Hon. Ronald J. Duhamel	Secretary of State (Western Economic Diversification) and Francophonie
The Hon. Andrew Mitchell	Secretary of State (Rural Development) (Federal Economic Development Initiative for Northern Ontario)
The Hon. Gilbert Normand	Secretary of State (Science, Research and Development)
The Hon. Denis Coderre	Secretary of State (Amateur Sport)

SENATORS OF CANADA

ACCORDING TO SENIORITY

(September 19, 2000)

Senator	Designation	Post Office Address
THE HONOURABLE		
Herbert O. Sparrow	Saskatchewan	North Battleford, Sask.
Gildas L. Molgat, <i>Speaker</i>	Ste-Rose	Winnipeg, Man.
Edward M. Lawson	Vancouver	Vancouver, B.C.
Bernard Alasdair Graham, P.C.	The Highlands	Sydney, N.S.
Raymond J. Perrault, P.C.	North Shore-Burnaby	North Vancouver, B.C.
Louis-J. Robichaud, P.C.	L'Acadie-Acadia	Saint-Antoine, N.B.
Jack Austin, P.C.	Vancouver South	Vancouver, B.C.
Willie Adams	Nunavut	Rankin Inlet, Nunavut
Lowell Murray, P.C.	Pakenham	Ottawa, Ont.
C. William Doody	Harbour Main-Bell Island	St. John's, Nfld.
Peter Alan Stollery	Bloor and Yonge	Toronto, Ont.
Peter Michael Pitfield, P.C.	Ottawa-Vanier	Ottawa, Ont.
E. Leo Kolber	Victoria	Westmount, Que.
Michael Kirby	South Shore	Halifax, N.S.
Jerahmiel S. Grafstein	Metro Toronto	Toronto, Ont.
Anne C. Cools	Toronto-York	Toronto, Ont.
Charlie Watt	Inkerman	Kuujuuaq, Que.
Daniel Phillip Hays	Calgary	Calgary, Alta.
Joyce Fairbairn, P.C.	Lethbridge	Lethbridge, Alta.
Colin Kenny	Rideau	Ottawa, Ont.
Pierre De Bané, P.C.	De la Vallière	Montreal, Que.
Eymard Georges Corbin	Grand-Sault	Grand-Sault, N.B.
Brenda Mary Robertson	Riverview	Shediac, N.B.
Jean-Maurice Simard	Edmundston	Edmundston, N.B.
Norman K. Atkins	Markham	Toronto, Ont.
Ethel Cochrane	Newfoundland	Port-au-Port, Nfld.
Eileen Rossiter	Prince Edward Island	Charlottetown, P.E.I.
Mira Spivak	Manitoba	Winnipeg, Man.
Roch Bolduc	Golfe	Sainte-Foy, Que.
Gérald-A. Beaudoin	Rigaud	Hull, Que.
Pat Carney, P.C.	British Columbia	Vancouver, B.C.
Gerald J. Comeau	Nova Scotia	Church Point, N.S.
Consiglio Di Nino	Ontario	Downsview, Ont.
Donald H. Oliver	Nova Scotia	Halifax, N.S.
Noël A. Kinsella	Fredericton-York-Sunbury	Fredericton, N.B.
John Buchanan, P.C.	Nova Scotia	Halifax, N.S.
Mabel Margaret DeWare	Moncton	Moncton, N.B.
John Lynch-Staunton	Grandville	Georgeville, Que.
James Francis Kelleher, P.C.	Ontario	Sault Ste. Marie, Ont.
J. Trevor Eyton	Ontario	Caledon, Ont.
Wilbert Joseph Keon	Ottawa	Ottawa, Ont.
Michael Arthur Meighen	St. Marys	Toronto, Ont.
Thérèse Lavoie-Roux	Quebec	Montreal, Que.
J. Michael Forrestall	Dartmouth and Eastern Shore	Dartmouth, N.S.
Janis Johnson	Winnipeg-Interlake	Winnipeg, Man.
Eric Arthur Berntson	Saskatchewan	Saskatoon, Sask.
A. Raynell Andreychuk	Regina	Regina, Sask.
Jean-Claude Rivest	Stadacona	Quebec, Que.
Terrance R. Stratton	Red River	St. Norbert, Man.
Marcel Prud'homme, P.C.	La Salle	Montreal, Que.
Leonard J. Gustafson	Saskatchewan	Macoun, Sask.

ACCORDING TO SENIORITY

Senator	Designation	Post Office Address
THE HONOURABLE		
Erminie Joy Cohen	New Brunswick	Saint John, N.B.
David Tkachuk	Saskatchewan	Saskatoon, Sask.
W. David Angus	Alma	Montreal, Que.
Pierre Claude Nolin	De Salaberry	Quebec, Que.
Marjory LeBreton	Ontario	Manotick, Ont.
Gerry St. Germain, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.
Lise Bacon	De la Durantaye	Laval, Que.
Sharon Carstairs	Manitoba	Victoria Beach, Man.
Landon Pearson	Ontario	Ottawa, Ont.
Jean-Robert Gauthier	Ontario-Vanier	Ottawa, Ontario
John G. Bryden	New Brunswick	Bayfield, N.B.
Rose-Marie Losier-Cool	Tracadie	Bathurst, N.B.
Céline Hervieux-Payette, P.C.	Bedford	Montreal, Que.
William H. Rompkey, P.C.	Labrador	North West River, Labrador, Nfld.
Lorna Milne	Peel County	Brampton, Ont.
Marie-P. Poulin	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.
Shirley Maheu	Rougemont	Saint-Laurent, Que.
Nicholas William Taylor	Sturgeon	Bon Accord, Alta.
Léonce Mercier	Mille Isles	Saint-Élie d'Orford, Que.
Wilfred P. Moore	Stanhope St./Bluenose	Chester, N.S.
Lucie Pépin	Shawinigan	Montreal, Que.
Fernand Robichaud, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.
Catherine S. Callbeck	Prince Edward Island	Central Bedeque, P.E.I.
Marisa Ferretti Barth	Repentigny	Pierrefonds, Que.
Serge Joyal, P.C.	Kennebec	Montreal, Que.
Thelma J. Chalifoux	Alberta	Morinville, Alta.
Joan Cook	Newfoundland	St. John's, Nfld.
Ross Fitzpatrick	Okanagan-Similkameen	Kelowna, B.C.
The Very Reverend Dr. Lois M. Wilson	Toronto	Toronto, Ont.
Francis William Mahovlich	Toronto	Toronto, Ont.
Richard H. Kroft	Manitoba	Winnipeg, Man.
Douglas James Roche	Edmonton	Edmonton, Alta.
Joan Thorne Fraser	De Lorimier	Montreal, Que.
Aurélien Gill	Wellington	Mashteuiatsh, Pointe-Bleue, Que.
Vivienne Poy	Toronto	Toronto, Ont.
Sheila Finestone, P.C.	Montarville	Montreal, Que.
Ione Christensen	Yukon Territory	Whitehorse, Y.T.
George Furey	Newfoundland and Labrador	St. John's, Nfld.
Nick G. Sibbeston	Northwest Territories	Fort Simpson, N.W.T.
Isobel Finnerty	Ontario	Burlington, Ont.
J. Bernard Boudreau, P.C.	Nova Scotia	Halifax, N.S.
John Wiebe	Saskatchewan	Swift Current, Sask.
Tommy Banks	Alberta	Edmonton, Alta.
Raymond G. Squires	Newfoundland	St. Anthony, Nfld.
Jane Marie Cordy	Nova Scotia	Dartmouth, N.S.
Betty Kennedy	Ontario	Milton, Ont.
Raymond C. Setlakwe	La Laurentide	Thetford Mines, Que.

SENATORS OF CANADA

ALPHABETICAL LIST

(September 19, 2000)

Senator	Designation	Post Office Address	Political Affiliation
THE HONOURABLE			
Adams, Willie	Nunavut	Rankin Inlet, Nunavut	Lib
Andreychuk, A. Raynell	Regina	Regina, Sask.	PC
Angus, W. David	Alma	Montreal, Que.	PC
Atkins, Norman K.	Markham	Toronto, Ont.	PC
Austin, Jack, P.C.	Vancouver South	Vancouver, B.C.	Lib
Bacon, Lise	De la Durantaye	Laval, Que.	Lib
Banks, Tommy	Alberta	Edmonton, Alta.	Lib
Beaudoin, Gérald-A.	Rigaud	Hull, Que.	PC
Berntson, Eric Arthur	Saskatchewan	Saskatoon, Sask.	PC
Bolduc, Roch	Golfe	Sainte-Foy, Que.	PC
Boudreau, J. Bernard, P.C.	Nova Scotia	Halifax, N.S.	Lib
Bryden, John G.	New Brunswick	Bayfield, N.B.	Lib
Buchanan, John, P.C.	Halifax	Halifax, N.S.	PC
Callbeck, Catherine S.	Prince Edward Island	Central Bedeque, P.E.I.	Lib
Carney, Pat, P.C.	British Columbia	Vancouver, B.C.	PC
Carstairs, Sharon	Manitoba	Victoria Beach, Man.	Lib
Chalifoux, Thelma J.	Alberta	Morinville, Alta.	Lib
Christensen, Ione	Yukon Territory	Whitehorse, Y.T.	Lib
Cochrane, Ethel	Newfoundland	Port-au-Port, Nfld.	PC
Cohen, Erminie Joy	New Brunswick	Saint John, N.B.	PC
Comeau, Gerald J.	Nova Scotia	Church Point, N.S.	PC
Cook, Joan	Newfoundland	St. John's, Nfld.	Lib
Cools, Anne C.	Toronto-York	Toronto, Ont.	Lib
Corbin, Eymard Georges	Grand-Sault	Grand-Sault, N.B.	Lib
Cordy, Jane Marie	Nova Scotia	Dartmouth, N.S.	Lib
De Bané, Pierre, P.C.	De la Vallière	Montreal, Que.	Lib
DeWare, Mabel Margaret	Moncton	Moncton, N.B.	PC
Di Nino, Consiglio	Ontario	Downsview, Ont.	PC
Doody, C. William	Harbour Main-Bell Island	St. John's, Nfld.	PC
Eyton, J. Trevor	Ontario	Caledon, Ont.	PC
Fairbairn, Joyce, P.C.	Lethbridge	Lethbridge, Alta.	Lib
Ferretti Barth, Marisa	Repentigny	Pierrefonds, Que.	Lib
Finestone, Sheila, P.C.	Montarville	Montreal, Que.	Lib
Finnerty, Isobel	Ontario	Burlington, Ont.	Lib
Fitzpatrick, Ross	Okanagan-Similkameen	Kelowna, B.C.	Lib
Forrestall, J. Michael	Dartmouth and the Eastern Shore	Dartmouth, N.S.	PC
Fraser, Joan Thorne	De Lorimier	Montreal, Que.	Lib
Furey, George	Newfoundland and Labrador	St. John's, Nfld.	Lib
Gauthier, Jean-Robert	Ontario-Vanier	Ottawa, Ont.	Lib
Gill, Aurélien	Wellington	Mashteuiatsh, Pointe-Bleue, Que.	Lib
Grafstein, Jerahmiel S.	Metro Toronto	Toronto, Ont.	Lib
Graham, Bernard Alasdair, P.C.	The Highlands	Sydney, N.S.	Lib
Gustafson Leonard J.	Saskatchewan	Macoun, Sask.	PC
Hays, Daniel Phillip	Calgary	Calgary, Alta.	Lib
Hervieux-Payette, Céline, P.C.	Bedford	Montreal, Que.	Lib
Johnson, Janis	Winnipeg-Interlake	Winnipeg, Man.	PC
Joyal, Serge, P.C.	Kennebec	Montreal, Que.	Lib
Kelleher, James Francis, P.C.	Ontario	Sault Ste. Marie, Ont.	PC
Kennedy, Betty	Ontario	Milton, Ont.	Lib
Kenny, Colin	Rideau	Ottawa, Ont.	Lib
Keon, Wilbert Joseph	Ottawa	Ottawa, Ont.	PC

SENATORS OF CANADA

Senator	Designation	Post Office Address	Political Affiliation
THE HONOURABLE			
Kinsella, Noël A.	Fredericton-York-Sunbury	Fredericton, N.B.	PC
Kirby, Michael	South Shore	Halifax, N.S.	Lib
Kolber, Leo E.	Victoria	Westmount, Que.	Lib
Kroft, Richard H.	Manitoba	Winnipeg, Man.	Lib
Lavoie-Roux, Thérèse	Quebec	Montreal, Que.	PC
Lawson, Edward M.	Vancouver	Vancouver, B.C.	Ind
LeBreton, Marjory	Ontario	Manotick, Ont.	PC
Losier-Cool, Rose-Marie	Tracadie	Bathurst, N.B.	Lib
Lynch-Staunton, John	Grandville	Georgeville, Que.	PC
Maheu, Shirley	Rougemont	Saint-Laurent, Que.	Lib
Mahovich, Francis William	Toronto	Toronto, Ont.	Lib
Meighen, Michael Arthur	St. Marys	Toronto, Ont.	PC
Mercier, Léonce	Mille Isles	Saint-Élie d'Orford, Que.	Lib
Milne, Lorna	Peel County	Brampton, Ont.	Lib
Molgat, Gildas L. <i>Speaker</i>	Ste-Rose	Winnipeg, Man.	Lib
Moore, Wilfred P.	Stanhope St./Bluenose	Chester, N.S.	Lib
Murray, Lowell, P.C.	Pakenham	Ottawa, Ont.	PC
Nolin, Pierre Claude	De Salaberry	Quebec, Que.	PC
Oliver, Donald H.	Nova Scotia	Halifax, N.S.	PC
Pearson, Landon	Ontario	Ottawa, Ontario	Lib
Pépin, Lucie	Shawinigan	Montreal, Que.	Lib
Perrault, Raymond J., P.C.	North Shore-Burnaby	North Vancouver, B.C.	Lib
Pitfield, Peter Michael, P.C.	Ottawa-Vanier	Ottawa, Ont.	Ind
Poulin, Marie-P.	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.	Lib
Poy, Vivienne	Toronto	Toronto, Ont.	Lib
Prud'homme, Marcel, P.C.	La Salle	Montreal, Que.	Ind
Rivest, Jean-Claude	Stadacona	Quebec, Que.	PC
Robertson, Brenda Mary	Riverview	Shediac, N.B.	PC
Robichaud, Fernand, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.	Lib
Robichaud, Louis-J., P.C.	L'Acadie-Acadia	Saint-Antoine, N.B.	Lib
Roche, Douglas James.	Edmonton	Edmonton, Alta.	Ind
Rompkey, William H., P.C.	Labrador	North West River, Labrador, Nfld.	Lib
Rossiter, Eileen	Prince Edward Island	Charlottetown, P.E.I.	PC
St. Germain, Gerry, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.	Ind
Setlakwe, Raymond C.	La Laurentide	Thetford Mines, Que.	Lib
Sibbeston, Nick G.	Northwest Territories	Fort Simpson, N.W.T.	Lib
Simard, Jean-Maurice	Edmundston	Edmundston, N.B.	PC
Sparrow, Herbert O.	Saskatchewan	North Battleford, Sask.	Lib
Spivak, Mira	Manitoba	Winnipeg, Man.	PC
Squires, Raymond G.	Newfoundland and Labrador	St. Anthony, Nfld.	Lib
Stollery, Peter Alan	Bloor and Yonge	Toronto, Ont.	Lib
Stratton, Terrance R.	Red River	St. Norbert, Man.	PC
Taylor, Nicholas William	Sturgeon	Bon Accord, Alta.	Lib
Tkachuk, David	Saskatchewan	Saskatoon, Sask.	PC
Watt, Charlie	Inkerman	Kuujuuaq, Que.	Lib
Wiebe, John	Saskatchewan	Swift Current, Sask.	Lib
Wilson, The Very Reverend Dr. Lois M.	Toronto	Toronto, Ont.	Ind

SENATORS OF CANADA

BY PROVINCE AND TERRITORY

(September 19, 2000)

ONTARIO—24

	Senator	Designation	Post Office Address
	THE HONOURABLE		
1	Lowell Murray, P.C.	Pakenham	Ottawa
2	Peter Alan Stollery	Bloor and Yonge	Toronto
3	Peter Michael Pitfield, P.C.	Ottawa-Vanier	Ottawa
4	Jerahmiel S. Grafstein	Metro Toronto	Toronto
5	Anne C. Cools	Toronto-York	Toronto
6	Colin Kenny	Rideau	Ottawa
7	Norman K. Atkins	Markham	Toronto
8	Consiglio Di Nino	Ontario	Downsview
9	James Francis Kelleher, P.C.	Ontario	Sault Ste. Marie
10	John Trevor Eyton	Ontario	Caledon
11	Wilbert Joseph Keon	Ottawa	Ottawa
12	Michael Arthur Meighen	St. Marys	Toronto
13	Marjory LeBreton	Ontario	Manotick
14	Landon Pearson	Ontario	Ottawa
15	Jean-Robert Gauthier	Ontario-Vanier	Ottawa
16	Lorna Milne	Peel County	Brampton
17	Marie-P. Poulin	Northern Ontario	Ottawa
18	The Very Reverend Dr. Lois M. Wilson	Toronto	Toronto
19	Francis William Mahovlich	Toronto	Toronto
20	Vivienne Poy	Toronto	Toronto
21	Isobel Finnerty	Ontario	Burlington
22	Betty Kennedy	Ontario	Milton
23			
24			

SENATORS BY PROVINCE AND TERRITORY

QUEBEC—24

Senator	Designation	Post Office Address
THE HONOURABLE		
1 E. Leo Kolber	Victoria	Westmount
2 Charlie Watt	Inkerman	Kuujuuaq
3 Pierre De Bané, P.C.	De la Vallière	Montreal
4 Roch Bolduc	Golfe	Sainte-Foy
5 Gérard-A. Beaudoin	Rigaud	Hull
6 John Lynch-Staunton	Grandville	Georgeville
7 Jean-Claude Rivest	Stadacona	Quebec
8 Marcel Prud'homme, P.C.	La Salle	Montreal
9 W. David Angus	Alma	Montreal
10 Pierre Claude Nolin	De Salaberry	Quebec
11 Lise Bacon	De la Durantaye	Laval
12 Céline Hervieux-Payette, P.C.	Bedford	Montreal
13 Shirley Maheu	Rougemont	Ville de Saint-Laurent
14 Léonce Mercier	Mille Isles	Saint-Élie d'Orford
15 Lucie Pépin	Shawinigan	Montreal
16 Marisa Ferretti Barth	Repentigny	Pierrefonds
17 Serge Joyal, P.C.	Kennebec	Montreal
18 Joan Thorne Fraser	De Lorimier	Montreal
19 Aurélien Gill	Wellington	Mashteuiatsh, Pointe-Bleue
20 Sheila Finestone, P.C.	Montarville	Montreal
21 Raymond C. Setlakwe	La Laurentide	Thetford Mines
22
23
24

SENATORS BY PROVINCE—MARITIME DIVISION

NOVA SCOTIA—10

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Bernard Alasdair Graham, P.C.	The Highlands	Sydney
2 Michael Kirby	South Shore	Halifax
3 Gerald J. Comeau	Nova Scotia	Church Point
4 Donald H. Oliver	Nova Scotia	Halifax
5 John Buchanan, P.C.	Halifax	Halifax
6 J. Michael Forrestall	Dartmouth and Eastern Shore .	Dartmouth
7 Wilfred P. Moore	Stanhope St./Bluenose	Chester
8 J. Bernard Boudreau, P.C.	Nova Scotia	Halifax
9 Jane Marie Cordy	Nova Scotia	Dartmouth
10		

NEW BRUNSWICK—10

THE HONOURABLE		
1 Louis-J. Robichaud, P.C.	L'Acadie-Acadia	Saint-Antoine
2 Eymard Georges Corbin	Grand-Sault	Grand-Sault
3 Brenda Mary Robertson	Riverview	Shediac
4 Jean-Maurice Simard	Edmundston	Edmundston
5 Noël A. Kinsella	Fredericton-York-Sunbury ...	Fredericton
6 Mabel Margaret DeWare	Moncton	Moncton
7 Erminie Joy Cohen	New Brunswick	Saint John
8 John G. Bryden	New Brunswick	Bayfield
9 Rose-Marie Losier-Cool	Tracadie	Bathurst
10 Fernand Robichaud, P.C.	New Brunswick	Saint-Louis-de-Kent

PRINCE EDWARD ISLAND—4

THE HONOURABLE		
1 Eileen Rossiter	Prince Edward Island	Charlottetown
2 Catherine S. Callbeck	Prince Edward Island	Central Bedeque
3		
4		

SENATORS BY PROVINCE—WESTERN DIVISION

MANITOBA—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Gildas L. Molgat, <i>Speaker</i>	Ste-Rose	Winnipeg
2 Mira Spivak	Manitoba	Winnipeg
3 Janis Johnson	Winnipeg-Interlake	Winnipeg
4 Terrance R. Stratton	Red River	St. Norbert
5 Sharon Carstairs	Manitoba	Victoria Beach
6 Richard H. Kroft	Manitoba	Winnipeg

BRITISH COLUMBIA—6

THE HONOURABLE		
1 Edward M. Lawson	Vancouver	Vancouver
2 Raymond J. Perrault, P.C.	North Shore-Burnaby	North Vancouver
3 Jack Austin, P.C.	Vancouver South	Vancouver
4 Pat Carney, P.C.	British Columbia	Vancouver
5 Gerry St. Germain, P.C.	Langley-Pemberton-Whistler .	Maple Ridge
6 Ross Fitzpatrick	Okanagan-Similkameen	Kelowna

SASKATCHEWAN—6

THE HONOURABLE		
1 Herbert O. Sparrow	Saskatchewan	North Battleford
2 Eric Arthur Berntson	Saskatchewan	Saskatoon
3 A. Raynell Andreychuk	Regina	Regina
4 Leonard J. Gustafson	Saskatchewan	Macoun
5 David Tkachuk	Saskatchewan	Saskatoon
6 John Wiebe	Saskatchewan	Swift Current

ALBERTA—6

THE HONOURABLE		
1 Daniel Phillip Hays	Calgary	Calgary
2 Joyce Fairbairn, P.C.	Lethbridge	Lethbridge
3 Nicholas William Taylor	Sturgeon	Bon Accord
4 Thelma J. Chalifoux	Alberta	Morinville
5 Douglas James Roche	Edmonton	Edmonton
6 Tommy Banks	Alberta	Edmonton

SENATORS BY PROVINCE AND TERRITORY

NEWFOUNDLAND—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 C. William Doody	Harbour Main-Bell Island	St. John's
2 Ethel Cochrane	Newfoundland	Port-au-Port
3 William H. Rompkey, P.C.	Labrador	North West River, Labrador
4 Joan Cook	Newfoundland	St. John's
5 George Furey	Newfoundland and Labrador .	St. John's
6 Raymond G. Squires	Newfoundland	St. Anthony

NORTHWEST TERRITORIES—1

THE HONOURABLE		
1 Nick G. Sibbeston	Northwest Territories	Fort Simpson

NUNAVUT—1

THE HONOURABLE		
1 Willie Adams	Nunavut	Rankin Inlet

YUKON TERRITORY—1

THE HONOURABLE		
1 Ione Christensen	Yukon Territory	Whitehorse

DIVISIONAL SENATORS

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Thérèse Lavoie-Roux	Quebec	Montreal, Que.

ALPHABETICAL LIST OF STANDING, SPECIAL AND JOINT COMMITTEES

(As of September 19, 2000)

*Ex Officio Member

ABORIGINAL PEOPLES

Chair: Honourable Senator Chalifoux

Honourable Senators:

Andreychuk,	Christensen,
*Boudreau,	Cochrane,
(or Hays)	DeWare,
Chalifoux,	Gill,

Deputy Chair: Honourable Senator

Johnson	Rompkey,
*Lynch-Staunton,	Sibbeston,
(or Kinsella)	Watt.
Pearson,	

*Original Members as nominated by the Committee of Selection**Andreychuk, Austin, Beaudoin, *Boudreau (or Hays), Chalifoux, Christensen, Comeau, DeWare, Gill, Johnson***Lynch-Staunton (or Kinsella), Pearson, Sibbeston, Watt.*THE SUBCOMMITTEE ON ABORIGINAL ECONOMIC DEVELOPMENT IN RELATION
TO NORTHERN NATIONAL PARKS

Chair: Honourable Senator Christensen

Honourable Senators:

Andreychuk,	Christensen,
*Boudreau,	Cochrane,
(or Hays)	

Deputy Chair: Honourable Senator

*Lynch-Staunton,	Sibbeston,
(or Kinsella)	Watt.

AGRICULTURE AND FORESTRY

Chair: Honourable Senator Gustafson

Honourable Senators:

*Boudreau,	Gustafson,
(or Hays)	*Lynch-Staunton,
Cordy,	(or Kinsella)
Fairbairn,	Oliver,
Fitzpatrick,	

Deputy Chair: Honourable Senator Fairbairn

Robichaud,	Sparrow,
(Saint-Louis-de-Kent)	Stratton,
Rossiter,	Wiebe.
Setlakwe,	

*Original Members as nominated by the Committee of Selection***Boudreau (or Hays), Chalifoux, Fairbairn, Fitzpatrick, Ferretti Barth, Gill, Gustafson, *Lynch-Staunton (or Kinsella), Oliver, Robichaud (Saint-Louis-de-Kent), Sparrow, Spivak, St. Germain, Stratton.*

THE SUBCOMMITTEE ON FORESTRY (Agriculture and Forestry)

Chair: Honourable Senator Fitzpatrick
Honourable Senators:

*Boudreau,
(or Hays)
Fairbairn,

Fitzpatrick,
Gill,

Deputy Chair: Honourable Senator

*Lynch-Staunton,
(or Kinsella)

Oliver,
Stratton.

BANKING, TRADE AND COMMERCE

Chair: Honourable Senator Kolber
Honourable Senators:

Angus,
*Boudreau
(or Hays)
Fitzpatrick,

Furey,
Hervieux-Payette,
Kelleher,
Kolber,

Deputy Chair: Honourable Senator Tkachuk

Kroft,
*Lynch-Staunton,
(or Kinsella)
Meighen,

Oliver,
Poulin
Tkachuk,
Wiebe.

Original Members as nominated by the Committee of Selection

Angus, *Boudreau (or Hays), Fitzpatrick, Furey, Hervieux-Payette, Joyal, Kelleher, Kenny, Kolber,
*Lynch-Staunton (or Kinsella), Meighen, Oliver, Tkachuk.

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

Chair: Honourable Senator Spivak
Honourable Senators:

Adams,
Banks,
*Boudreau,
(or Hays)
Buchanan,

Christensen,
Cochrane,
Eyton,
Finnerty,

Deputy Chair: Honourable Senator Taylor

Kelleher,
Kenny,
*Lynch-Staunton,
(or Kinsella)
Sibbeston,

Spivak,
Taylor.

Original Members as nominated by the Committee of Selection

Adams, *Boudreau (or Hays), Buchanan, Chalifoux, Christensen, Cochrane, Eyton, Furey,
Kenny, *Lynch-Staunton (or Kinsella), Sibbeston, Spivak, St. Germain, Taylor.

FISHERIES

Chair: Honourable Senator Comeau

Deputy Chair: Honourable Senator Perrault

Honourable Senators:

Adams,	Cook,	Mahovlich,	Robichaud, (Saint-Louis-de-Kent)
*Boudreau, (or Hays)	Johnson,	Meighen,	Squires,
Carney	*Lynch-Staunton, (or Kinsella)	Perrault,	Watt.
Comeau,		Robertson,	

Original Members as nominated by the Committee of Selection

*Boudreau (or Hays), Carney, Comeau, Cook, Doody, Furey, *Lynch-Staunton (or Kinsella), Mahovlich, Meighen, Murray, Perrault, Perry, Robichaud (Saint-Louis-de-Kent), Watt.

FOREIGN AFFAIRS

Chair: Honourable Senator Stollery

Deputy Chair: Honourable Senator Andreychuk

Honourable Senators:

Andreychuk,	*Boudreau, (or Hays)	De Bané,	*Lynch-Staunton, (or Kinsella)
Atkins,		Di Nino,	
Austin,	Carney,	Furey,	Stollery,
Bolduc,	Corbin,	Grafstein,	Taylor.

Original Members as nominated by the Committee of Selection

Andreychuk, Atkins, Bolduc, *Boudreau (or Hays), Corbin, Carney, De Bané, Di Nino, Grafstein, Lewis, Losier-Cool, *Lynch-Staunton (or Kinsella), Stewart, Stollery.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

Chair: Honourable Senator Rompkey

Deputy Chair: Honourable Senator Nolin

Honourable Senators:

*Boudreau (or Hays)	DeWare,	*Lynch-Staunton, (or Kinsella)	Robichaud, (Saint-Louis-de-Kent)
	Forrestall,		
Cohen,	Kenny,	Maheu,	Rompkey,
Comeau,	Kroft,	Milne,	Simard,
De Bané,		Nolin,	Stollery.
		Poulin,	

Original Members as nominated by the Committee of Selection

*Boudreau (or Hays), Cohen, De Bané, DeWare, Forrestall, Kelly, Kenny, Kroft, *Lynch-Staunton (or Kinsella), Maheu, Milne, Nolin, Poulin, Robichaud (Saint-Louis-de-Kent), Rompkey, Rossiter, Stollery.

LEGAL AND CONSTITUTIONAL AFFAIRS

Chair:	Honourable Senator Milne	Deputy Chair:	Honourable Senator Beaudoin
Honourable Senators:			
Andreychuk,	Cools,	*Lynch-Staunton,	Nolin,
Beaudoin,	Fraser,	(or Kinsella)	Pearson.
Buchanan,	Joyal,	Milne,	Pépin.
*Boudreau (or Hays),		Moore,	

Original Members as nominated by the Committee of Selection

*Andreychuk, Beaudoin, *Boudreau (or Hays), Cools, Fraser, Ghitter, Joyal, Kelleher,
Lynch-Staunton (or Kinsella), Milne, Moore, Nolin, Pearson, Poy.

LIBRARY OF PARLIAMENT (Joint)

Joint Chair:	Honourable Senator Louis Robichaud	Deputy Chair:	
Honourable Senators:			
Atkins,	Finnerty,	Poy,	Robichaud,
Cordy,	Grafstein,		(L'Acadie-Acadia).

Original Members agreed to by Motion of the Senate

Atkins, Finnerty, Grafstein, Poy, Robichaud (L'Acadie-Acadia), Ruck.

NATIONAL FINANCE

Chair:	Honourable Senator Murray	Deputy Chair:	Honourable Senator Cools
Honourable Senators:			
Banks,	Doody,	Kinsella,	Moore,
Bolduc,	Finestone,	*Lynch-Staunton,	Murray,
*Boudreau, (or Hays)	Finnerty,	(or Kinsella)	Stratton.
Cools,	Ferretti Barth,	Mahovlich,	

Original Members as nominated by the Committee of Selection

*Bolduc, *Boudreau (or Hays), Cools, Finestone, Finnerty, Ferretti Barth, Kinsella,
Lynch-Staunton (or Kinsella), Mahovlich, Moore, Murray, Perry, Stratton.

OFFICIAL LANGUAGES (Joint)

Joint Chair: Honourable Senator Losier-Cool
Honourable Senators:

Beaudoin,
 Fraser,

Losier-Cool,

Deputy Chair:

Rivest.

Robichaud,
 (L'Acadie-Acadia)
 Setlakwe.

Original Members agreed to by Motion of the Senate

Beaudoin, Fraser, Gauthier, Losier-Cool, Meighen, Pépin, Rivest, Robichaud (L'Acadie-Acadia).

PRIVILEGES, STANDING RULES AND ORDERS

Chair: Honourable Senator Austin
Honourable Senators:

Andreychuk,
 Austin,
 *Boudreau,
 (or Hays)
 Corbin,

DeWare,
 Di Nino,
 Doody,
 Gauthier,
 Grafstein,

Deputy Chair: Honourable Senator

Gustafson,

Joyal,

Kroft,

Losier-Cool,

*Lynch-Staunton,
 (or Kinsella)

Robichaud,
 (L'Acadie-Acadia).

Rossiter.

Original Members as nominated by the Committee of Selection

*Austin, Bacon, Beaudoin, *Boudreau (or Hays), DeWare, Gauthier, Ghitter, Grafstein, Grimard, Joyal, Kelly, Kroft, *Lynch-Staunton (or Kinsella), Maheu, Pépin, Robichaud (L'Acadie-Acadia), Rossiter.*

SCRUTINY OF REGULATIONS (Joint)

Joint Chair: Honourable Senator Hervieux-Payette
Honourable Senators:

Bryden,
 Cochrane,

Finestone,

Deputy Chair:

Hervieux-Payette,

Moore,

Rivest.

Original Members as nominated by the Committee of Selection

Cochrane, Finestone, Furey, Grimard, Hervieux-Payette, Moore, Perry, Rivest.

SELECTION

Chair:	Honourable Senator Mercier	Deputy Chair:	
Honourable Senators:			
Atkins,	Fairbairn,	Kirby,	Mercier,
Austin,	Grafstein,	*Lynch-Staunton,	Murray,
*Boudreau,	Kinsella,	(or Kinsella)	Nolin.
(or Hays)			

Original Members agreed to by Motion of the Senate
*Atkins, Austin, *Boudreau (or Hays), DeWare, Fairbairn, Grafstein, Kinsella,*
*Kirby, *Lynch-Staunton or (Kinsella), Mercier, Murray.*

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

Chair:	Honourable Senator Kirby	Deputy Chair:	Honourable Senator LeBreton
Honourable Senators:			
Banks,	Carstairs,	Keon,	*Lynch-Staunton,
Beaudoin,	Cohen,	Kennedy,	(or Kinsella)
*Boudreau,	Cook,	Kirby,	Roberston.
(or Hays)	Fairbairn,	LeBreton,	
Callbeck,			

Original Members as nominated by the Committee of Selection
**Boudreau (or Hays), Callbeck, Carstairs, Cohen, Cook, Di Nino, Fairbairn, Gill, Kirby,*
*Lavoie-Roux, LeBreton, *Lynch-Staunton (or Kinsella), Pépin, Robertson.*

THE SUBCOMMITTEE ON VETERANS AFFAIRS
(Social Affairs, Science and Technology)

Chair:	Honourable Senator Meighen	Deputy Chair:	Honourable Senator Wiebe
Honourable Senators:			
Atkins,	Kirby,	Meighen,	Pépin.
*Boudreau,	*Lynch-Staunton,		Wiebe.
(or Hays)	(or Kinsella)		

THE SPECIAL SENATE COMMITTEE ON ILLEGAL DRUGS**Chair: Honourable Senator Nolin****Deputy Chair: Honourable Senator Carstairs****Honourable Senators:**

Carstairs,

Kenny,

Nolin,

Rossiter.

*Boudreau,
(or Hays)*Lynch-Staunton,
(or Kinsella)

Pépin,,

*Original Members as nominated by the Committee of Selection**Carstairs, *Boudreau (or Hays), Kenny *Lynch-Staunton (or Kinsella), Nolin, Pépin, Rossiter.*

TRANSPORT AND COMMUNICATIONS**Chair: Honourable Senator Bacon****Deputy Chair: Honourable Senator Forrestall****Honourable Senators:**

Adams,

Callbeck,

Kirby,

Poulin,

Angus,

Finestone,

*Lynch-Staunton,
(or Kinsella)

Spivak.

Bacon,

Forrestall,

Perrault,

*Boudreau,
(or Hays)

Johnson,

*Original Members as nominated by the Committee of Selection**Adams, Bacon, *Boudreau (or Hays), Callbeck, Finestone, Forrestall, Johnson, Kirby,
LeBreton, *Lynch-Staunton (or Kinsella), Perrault, Poulin, Roberge, Spivak.*

**THE SUBCOMMITTEE ON COMMUNICATIONS
(Transport and Communications)****Chair: Honourable Senator Poulin****Deputy Chair: Honourable Senator Spivak****Honourable Senators:***Boudreau,
(or Hays)Finestone,
Johnson,*Lynch-Staunton,
(or Kinsella)

Poulin,

Perrault,

Spivak.

*Lynch-Staunton, (or Kinsella)	Perrault, Spivak.
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CANADA

Debates of the Senate

2nd SESSION

•

36th PARLIAMENT

•

VOLUME 138

•

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OFFICIAL REPORT
(HANSARD)

Wednesday, September 20, 2000

THE HONOURABLE GILDAS L. MOLGAT
SPEAKER



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(Daily index of proceedings appears at back of this issue.)

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THE SENATE

Wednesday, September 20, 2000

The Senate met at 1:30 p.m., the Speaker in the Chair.

Prayers.

THE SENATE

THE LATE HONOURABLE E.W. BAROOTES

TRIBUTES

Hon. Lowell Murray: Honourable senators, it is with great sadness that I rise to record the death on July 30 in Regina of our former colleague the Honourable E.W. "Staff" Barootes.

On December 21, 1984, Prime Minister Mulroney made his first three Senate appointments. Dr. Barootes was one of them, together with Senator Brenda Robertson of New Brunswick, and our former colleague Finlay MacDonald of Nova Scotia.

No one who was in this place during the nine years of Staff Barootes' service will ever forget him. He was as combative in the chamber as he was considerate and charming outside it. He was a superb parliamentarian, formidably well informed and well prepared on the issues he cared about. There were many such issues. He came here a nationally respected surgeon and professor. It might have been expected he would be heard on questions relating to his profession, and he was. However, his contribution to our debates covered a wide range of public policy: taxation, investment, resource policy, agriculture, forestry, justice and social issues. Always he had something substantive to say, interesting and often provocative.

Some of his more provocative interventions were spontaneous and on the spur of the moment. I well recall the frequent occasions when, standing in my place as government leader, trying to answer calmly an opposition question, I found myself sidelined, a mere spectator to a lively, unscheduled exchange between Senator Barootes and Senator Davey Stewart, another Saskatchewan politician notorious for his quick wit and boisterous partisanship.

Senators who attended a testimonial dinner in Regina several years ago in honour of Senator Barootes will recall the eloquent tributes of friends and admirers. Over the years his convictions had engaged him in confrontation and controversy, yet respect and warm affection had endured. During the Second World War he had served as the Regimental Medical Officer with the Toronto Scottish Regiment in Europe, tending to wounded soldiers on the front lines. He came back and devoted himself to his patients, and earned high honours from his professional colleagues and admiration for his leadership in civic, educational and charitable causes in Saskatchewan.

Let me emphasize his integrity and dedication. Staff Barootes was 66 years of age when he came to the Senate and he left us shortly before his 75th birthday. During his nine years here, he committed himself to the Senate and to the service of Canada as fully as anyone I have ever seen. He gave himself, heart and soul, to Parliament and the country. We in the Progressive Conservative Party are proud that our party was the instrument for his service. We share the pride of his wife, Betty, and their family in his life and great work, and we extend our sympathy as we acknowledge our gratitude.

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, it is a privilege for me to rise today to join with Senator Murray and others to pay tribute to our former colleague, Senator Staff Barootes.

I knew him very well. We were always adversaries, but I was on no better terms with anyone that I knew than I was with Senator Barootes. At various times, we held the positions of Chairman and Deputy Chairman of the Standing Senate Committee on Agriculture and Forestry. For most of his time here, I believe we served together on the Standing Senate Committee on Energy, the Environment and Natural Resources. We seldom agreed, but he was very fair. We had a great deal of respect for one another; I certainly for him.

• (1340)

I also had the privilege of visiting him in Regina from time to time, and I can think of no person who was more interwoven or intertwined on a social and political level with the people of his community, and beyond that, Saskatchewan, than Senator Barootes. During his time here, he did a great service to the country as a whole.

We all know of his remarkable contribution to the Canadian Medical Association before his political life here. He chaired the Saskatchewan Mining Development Project. He did a great deal for his community. Not many Canadians have an opportunity to serve here, and we who receive the opportunity have all done things that have helped to bring us here. I am not sure what brought Staff Barootes to the attention of Prime Minister Brian Mulroney, but it was probably his profile in the community and his enormous contribution to the public good. He is one of some 830 people who have served in this place in the past 133 years. That in itself is a remarkable achievement, but he had many others.

He was a man with a great sense of humour. I know that he and Senator Spivak got along very well, but I was always intrigued by how they as Conservatives dealt with their differences. They always did and that impressed me, but that was Staff Barootes.

Accordingly, I am pleased to play tribute to my former colleague and, I am proud to say, my friend Senator Staff Barootes. I also had an opportunity to attend his funeral with other senators, and to speak with his family. Again, I extend my condolences to them on our great loss.

Hon. A. Raynell Andreychuk: I am pleased that Senator Murray has outlined the life and dedication of Senator Barootes. Coming from Regina, I wanted to add some local flavour to the passing of Senator Barootes.

He was very much woven into the fabric of Saskatchewan, and he was very much the type of person that Saskatchewan produces. Attending his memorial service might have given you a flavour of what he was like. Humour and wit were important. He judged people on their sense of humour. He would test you. He would say the most outrageous things to see if you understood that he really did not mean them. He wanted to know whether you lacked the kind of balance that was necessary in any good debate.

The eulogy at the memorial service was given by his son-in-law Bob Hughes. I think it is said that one of the things that Staff lived by was, "Leave them laughing when you exit the stage," and Bob certainly left us laughing in the memorial service. His son-in-law began by saying that he had heard about this legend by the name of Staff Barootes when he started to date Staff's oldest daughter. In those days, as he said, the thing to do was to ask the father for the daughter's hand in marriage. The day arrived when he and Barb were to go and meet the famous Dr. Barootes. Bob said, "The first thing that happened as I was going up the sidewalk was that I ran into Brenda, the second daughter. She rushed over and hugged and kissed me, not in a friendly charming way but in a way that perhaps she thought she would never see me again. Just at that moment, as I was going to go up the stairs, out came Dr. Barootes, and he said, 'Thank God someone finally answered the ad.'" Can you image attending a memorial service with that opener? That is the way that the senator wanted it.

Staff Barootes took his issues seriously, but he never thought that any issue was so great that you could not inject a little levity and common sense.

Senator Barootes came to Saskatchewan with his family and settled in Saskatoon, having been born in Manitoba. His family immigrated from Greece. He was extremely proud of how they came to be part of the fabric of Canada and of how he, coming from an immigrant family, had been able to succeed, and he took full advantage of his opportunities to give back to Canada. He never tired of telling stories of how it happened that he emigrated from Greece. In fact, at the memorial service, we learned that the name had changed, as so many immigrants have changed their names. The name "Barootes" really does not have a common Greek heritage because it had been changed along the way. I will not tell the whole story, but if anyone is interested, I will do so later. "Barootes" really stands for something akin to a powder keg, and I can think of no better name for Dr. Barootes.

His family settled in Saskatoon, and I grew up knowing the Barootes family which was very much a part of the Greek enclave. If you wanted a good meal, to be assured of good service, or have a function in a good place, well, then the Barootes restaurants or the establishments of the other Greek families were the places to go.

I cannot remember when I first met Dr. Barootes, but I can remember what he said. He walked up to me, came very close and said, "Barootes, urologist." As he could see in my eyes that I was trying to figure out which one of the "ologists" it was, he said, "Plumber." I believe that was his opener with many people.

We say in Regina that he was in fact one of our best doctors. Not only was he involved in his own specialty, he was involved in the management of hospitals, the profession, and every aspect of the medical community. In fact, he was known as one of the best surgeons. He was also known as the "terror of the Grey Nuns Hospital" because of the expletives he would use. We used to say that the Grey Nuns was not a calling or an order, but indicative of how the nuns felt after a session with Dr. Barootes.

If the term "politically incorrect" was used, it was probably coined for Dr. Barootes. He had a knack of saying the outrageous. It was not that he necessarily believed what he had said, but he wanted to watch your reaction, because underneath he wanted to test the limits of your sympathy and your sense of justice. He wanted to know your landscape, because within that man who made many outrageous statements was an extreme sense of social justice.

He had a great pride in Regina and Saskatchewan. Those of us who remember the introduction of medicare remember two things that Tommy Douglas wanted to bring to the service. They were quantity, in other words, universality, and quality, and Dr. Barootes made it his job to ensure that quality was there in equal measure with quantity. He certainly was wrapped up in the doctors' strike. It is rather ironic that, in the middle of the current debate on health care, we are talking about the same things that concerned him in 1962 — that we have a system for everyone that provides a basic measure and a quality of care. Perhaps we should have listened to him more in those days and taken the care to broaden the basis upon which we embarked on this grand experiment.

Dr. Barootes took great pride in his Greek heritage, and he continued to work with the Greek community. While he had not married into the Greek community, Betty could produce some of the best Greek food, and Betty and Staff could be seen at many Greek functions. In fact, his source of pride stemmed from his community, his work, his commitment to his party and, above all, his commitment to his family.

• (1350)

He is known to have said things in the middle of a meeting such as, "Let's wrap this up because I have to attend one of Betty's intimate dinners for 600 of her close friends." That was the way in which he signaled to us what was important to him.

Senator Barootes single-handedly brought a community together. He knew how to span different races and different political parties. He knew how to fight, but he also knew how to compromise.

Staff Barootes was one of a few Saskatchewanians of all professions and all political stripes who came together at a local hotel and had heated debates, much laughter, and much discussion about what our country needed. He may be the only man I know who has a table in a hotel dedicated to him. That table was moved to the Hotel Saskatchewan, and Senator Barootes was often seen holding court there.

Not everyone was invited to that table. There were "regulars." I am pleased to say that I became a regular at that table. I learned a great deal there about the issues of Saskatchewan and how to work together on them. Senator Barootes was, of course, the leader and master at that table.

At the reception following his memorial, a table was set up in his honour and remains there to this day. There were many prominent Saskatchewan Liberals at that table, some NDP members, some professional people, and some ordinary workers who do not have titles before their names. They all came together; they all respected his opinion; and today they all miss his presence, even though every lunch begins with, "Staff would have said..."

"Integrity" is a word that Senator Barootes did not use lightly. It is a word that he lived every day. His fiercest adversaries would say that honesty and integrity were his hallmarks. He was committed to Saskatchewan, committed to his party, and committed to every Canadian and every part of Canada.

When the Beaudoin-Dobbie commission travelled across Canada, members were pleasantly surprised, having only heard Senator Barootes in debates here, at how thoughtful he was about bringing Canadians together and how concerned he was that there be a place for them all. While Senator Barootes did not speak both official languages, he had an understanding of bilingualism and believed that it was the most preferable option for this country.

Senator Barootes leaves a legacy from which we can all profit, a legacy of how to conduct one's life fiercely, energetically and with a sense of humility. When things were going very wrong, Senator Barootes would often say, "I don't have the answer, but I have an opinion." He would then listen to the opinion of the other side. He would rarely say that he understood or accepted your opinion, but you would find some measure of what you said incorporated in his further action.

I was pleased to see both sides of Dr. Barootes, and I will miss him as a friend and as a contributor to Regina. I wish Betty continued good health to enable her to continue the work that she did as an equal partner to her husband.

I extend my condolences to the entire family. I hope "the table" continues to remember Staff Barootes and that we in

this chamber remember him with pride in what he did for his country.

Hon. Joyce Fairbairn: Honourable senators, on this occasion we remember a very fine man, Staff Barootes, with pride and great affection. Senator Barootes was all that everyone has said. He was a brilliant doctor. He had a wonderful record of saving lives and comforting those wounded in the war. He was a tremendous spokesperson for his province of Saskatchewan and his hometown. He was a character and he made an indelible impression on my life.

In the truest sense of the term, Senator Barootes was a very fine gentleman. However, I believe that he was somewhat slightly unnerved and taken aback when, having worked with a true expert on the Agriculture Committee of the Senate, Senator Hays, things suddenly changed and Staff became the chair and I became the deputy chair of the committee. As I said, he was always a gentleman, but I did believe that he was unsure as to whether that was a good idea.

In addition to being a very active and fine senator, Staff was also a very determined and steadfast member of the Progressive Conservative Party and adhered very strongly to its beliefs, attitudes and history. At one point, that may have caused him some doubts about me. When we conduct studies in the Agriculture Committee, we always have a wide array of witnesses representing every facet of the industry across the nation. Staff was very inclusive in some of our hearings. However, although I would not say that he took a dim view of the National Farmers' Union, that organization did unsettle him. I knew that. At that time, the president of the National Farmers' Union was a gentleman by the name of Wayne Easter, who is now a very effective Liberal member of Parliament from Prince Edward Island.

Every time the steering committee met to decide who the witnesses before the committee would be, inevitably the National Farmers' Union was not on the list. On every such occasion, with a twinkle in my eye, I made a very serious pitch that theirs was an important voice for the West which should be included. Of course, Mr. Easter would attend and raise havoc in our committee hearings. The only time I ever saw Staff Barootes "lose it" was when he and Mr. Easter got into a spirited discussion in our committee.

Staff was a very fair person. I may have made him a little nervous, but I think our colleague Senator Spivak might have made him even more so because she was supposed to be cut of the same cloth.

• (1400)

I am sure that Senator Spivak will remember with me one occasion, soon after environmental and forestry issues started playing a lively part in the discussions of our committee, as they should have, when we made a foray to Washington to check out the agriculture scene there.

One evening when we were on our own, Senator Spivak and I discovered what we thought was a very promising and entertaining play showing in a theatre in Washington. When we saw our colleague Senator Barootes on his own, we encouraged him to come with us to this performance. I will not name the play, but Senator Spivak and I became increasingly aware as the play went along that this was not his kind of theatre, to the point that he finally said he could not take it any longer and abruptly got up and left. He was quite shocked with Senator Spivak and myself for having suggested this play, but he did not hold it against us.

The era when Senator Barootes was a senator was in the days when there was an awful lot of fire and brimstone erupting from this chamber. To sit here, particularly as a relative newcomer, and watch the exchanges between the likes of Senator Staff Barootes, Senator Davey Stuart and Senator Sid Buckwold was to be treated to perhaps the most brilliant and tremendously clever theatre I have ever witnessed. It was also good for the soul because however angry and full of brimstone they all became, at the end there was laughter and friendship on both sides. I learned from him that while you can be spirited and heated and aggressive in what you believe, it does not in any way mean that does not permit lasting friendship with, and affection for, people of different points of view.

Senator Barootes was a treasure in this chamber. He was a fiercely patriotic Canadian and loved this country with all the opportunities it offered. It was a sad day when he left. I was reading just today his statement when he surprised us all by saying he was leaving early. He ended it by saying:

...I also regret that I will not be around to stimulate and to bait my colleagues opposite into ever higher heights of political rhetoric and wit.

Honourable senators, Senator Barootes was a man to be cherished. He was my friend, and I am very sad he is no longer making this world a more exciting place. I send my deepest sympathy to Betty and to his family, but I also know that they will be a family that has absolutely outstanding and joyous memories to last them a lifetime.

Hon. David Tkachuk: This past August, at the funeral of Dr. Staff Barootes, we saw assembled the largest collection of Progressive Conservatives in some time in our province. It seems that in death as in his life, he is forever entwined with our party.

Each of us gets to know a person by some form that his life takes. Everyone has a particular role to play — sometimes five or six or seven roles in a community — as did Senator Barootes. Because he was so busy, none of us really got to know all of him. I got to know Staff — and knew him for 25 years — through politics. We met in the 1970s when we were organizing the provincial party. One cannot say that Staff and I were opportunists at the time, but I am hoping that there are people like that now in our province, 25 years younger than I am, who see the same opportunity for our federal party.

The first time I met Staff Barootes, I could not believe him. There was this little guy sitting at a table at the Regina Inn

talking to our leader like he was some child and pointing his finger right down the chest of a guy twice his size, with absolutely no fear whatsoever. He was recruited to work for the provincial party at about the same time I was recruited. He was asked to fundraise and I was asked to be executive director of the party and to help organize it. There was tension immediately: I spent the money he so diligently raised. It was forever thus in politics between the two of us. Many times we would go through days when we would not have a civil word to say to each other, but at the same time he was doing his job and I was doing mine. At the end of it all, we celebrated together after each election in which we were involved. In 1993, when he resigned his seat early so that Mr. Mulroney could appoint a new senator, I am sure he was quite surprised that I was the one taking his place.

Those he cared for as a doctor, those he cared for as a family man, and those he cared for in the Greek community and in his church did not really touch me personally, but all those he cared for in our party and in our province touched me. All I know is that if he gave to all of them what he gave to us politically, then we can appreciate how great his contribution was to our province and to our country. I grieve for all of them, too. To his wife, Betty, his children and his family, I extend my heartfelt sympathy and condolences on behalf of all senators here.

To Staff, may God bless you.

Hon. Jack Wiebe: Honourable senators, I wish to add a few comments to those made by my much younger colleagues from Saskatchewan.

I first got to know Staff Barootes in the late 1950s and early 1960s during the medicare fight. Over the last 40 years, a tremendous friendship developed between the two of us. Many times during those 40 years, we were both supporters of each other and opponents of each other — sometimes at the same time. When I became Lieutenant-Governor of the Province of Saskatchewan, it was a wonderful experience for me to have Staff Barootes as my neighbour just across the alley.

I could tell honourable senators stories about Staff that would fill the rest of the afternoon, but I will stop at one. I admired very much the tenacity of the individual. Some of you may recall that Staff was very much an opponent of our new flag, the Maple Leaf, and a strong supporter of the Canadian version of the Red Ensign. When, of course, the Maple Leaf was designated as our new flag, Staff made a point of buying up every Red Ensign that was available in the province of Saskatchewan. Staff had a flagpole in his backyard and every day that Red Ensign flew on that flagpole — with the exception of one day. On July 1 of every year, the Maple Leaf flew on that flagpole. That anecdote will give honourable senators an example not only of his tenacity but of his great pride at being Canadian and having the opportunity to exercise that option.

That is the kind of man Staff Barootes was, honourable senators, and I have many memories of this wonderful friend. I join with all of you in wishing Betty and his wonderful family all the best. I missed him as a neighbour when I moved out of Regina. I will really miss him now because when I go to Regina, he will not be there. He was a terrific friend.

• (1410)

Hon. Mira Spivak: Honourable senators, it was my pleasure and my privilege to serve on the Agriculture Committee when Staff Barootes was its chairman. I have absolutely forgotten my chagrin at the way in which he quietly and efficiently prevented me from turning that committee into an environmental think-tank. He could never understand my sympathies for the National Farmers' Union, which is rather left of centre but which he thought was a communist organization.

There is one story I would like to pass along. When I first came to the Senate, I was listening to the radio and heard one of the members of the House of Commons describing senators as a pack of thieves and rascals and complete reprobates. I came into the caucus meeting that morning and described what I had heard. When I asked what we could do about this, Senator Barootes was quick to say, "Oh, well, just a lucky guess!"

Honourable senators, Senator Barootes was a man who followed Gloria Steinem's dictum to do something outrageous every day. He was *sui generis*. I, for one, shall miss him. I know that most senators will miss him as representative of a kind of stubborn, principled individual who expressed his opinions forthrightly and who did not practise the politics of manipulation and deceit. It is that kind of sterling representation, which is profoundly Canadian, that he has left as an indelible stamp on the Senate.

SENATORS' STATEMENTS

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, before I proceed to call for Senators' Statements, I wish to introduce to you a group in the gallery who are just leaving, unfortunately. They are students from Morewood Public School in Morewood, Ontario.

On behalf of all honourable senators, I wish you welcome here to the Senate of Canada.

THE PROGRESSIVE CONSERVATIVE PARTY

Hon. Marjory LeBreton: Honourable senators, no one needs to be told — least of all my colleagues on this side of the chamber — that this was not a very pleasant summer for our great party, the Progressive Conservative Party of Canada. We have had to face many challenges, both externally and internally. With regard to the latter, I am reminded of the words of our first leader and our country's first Prime Minister, Sir John A. Macdonald, who lamented about his dilemma in filling Senate vacancies. He once said:

I have one Senate vacancy to fill and there are 10 people who want it. At the end of day, I will have nine enemies and one ingrate.

Among his many attributes, Sir John A. Macdonald can now be considered a great prophet.

THE LATE CLAUDE BISSELL THE LATE MURRAY ROSS

TRIBUTE

Hon. Jeremiah S. Grafstein: Honourable senators, I rise today to make a brief tribute to the late Claude Bissell and the late Murray Ross. As we embark on this joyous season of pre-election festivities in Parliament, we are agitated by all our political leaders who admonish that the contest for the hearts and minds of Canadians will be about values. It seems the common currency of values resonates here and reverberates more poignantly in the electoral wars now being waged to the south. What are we told about the nature or, indeed, the centrality of these values? What exactly do these leaders have in mind? Who are they trying to convince and about what? Before we seek to differentiate ourselves politically, must we not first attempt to better understand what we are seeking to differentiate ourselves about? Or is an electoral debate on values in reality a detour, a deception, a delusion, an allusion, or worse, a snare and a trap?

From our fragile perch here in the Senate, do we perceive an opening or a closing of the Canadian mind? Will the partisan political debate ruminate around higher expectations of pseudo family values, or will the political debate tend to "dumbing down," blurring values to the lowest consensual denomination? Will fact or fiction, reality or virtual reality be deployed in the ever elusive hunt for values to start this new millennium?

This pugnacious thought occurred to me, honourable senators, as I listened earlier this summer to the first political volleys over values and learned at the same time of the passing, first, of Claude Bissell, followed a month later by the death of Murray Ross.

Honourable senators might recall that Claude Bissell was first the youthful president of Carleton University in Ottawa and then the youngest university president, at 40, of the University of Toronto. Murray Ross, then vice-president at the University of Toronto, became the first and founding president of York University.

These men led three of Canada's greatest academic treasures through an era of radical change. How they both would have lamented any "dumbing down" of political discourse about values! For them, the nature of a liberal education would have been the starting point, the crucial launching pad for any discourse on values. These academics were consumed by the defence of a liberal education — an elusive goal still under attack. Both emphasized the importance of a literary, aesthetic sensibility that lies at the core of the liberal idea. Both were excellent scholars and prolific authors, who in their own right set high standards of literary excellence in all their works. Both would have agreed with the late Harold Bloom, of Yale University, who wrote that most imaginative work, *The Western Canon*, on the importance of the study of literature at the core of education. Let me quote one small passage from Bloom's mesmerizing critique.

The West's greatest writers are subversive of all values, both ours and their own. Scholars who urge us to find the source of our morality and our politics in Plato, or in Isaiah, are out of touch with the social reality in which we live. If we read *The Western Canon* in order to form our social, political, or —

The Hon. the Speaker: I am sorry, Honourable Senator Grafstein, but I must interrupt. Your three-minute time period has expired.

Senator Grafstein: May I have leave to continue, honourable senators?

The Hon. the Speaker: No. I regret to say that the Rules Committee and the Senate have passed a rule that no leave can be accepted.

Senator Grafstein: I will continue tomorrow, then.

[Translation]

CANADIAN RADIO-TELEVISION AND TELECOMMUNICATIONS COMMISSION

RULING DENYING TVONTARIO REQUEST TO DISTRIBUTE TÉLÉVISION FRANÇAISE DE L'ONTARIO IN QUEBEC

Hon. Jean-Robert Gauthier: Honourable senators, yesterday I told you how the CRTC had turned down a request by TFO, the French-language educational television programming service in Ontario, that cable companies in Quebec be required to distribute its signal on an optional basis in Quebec.

It is true that TFO is available in Quebec, if you have a satellite dish and subscribe to a wireless television system. It should be noted that 80 per cent of Quebec viewers are served by two large companies, Vidéotron and Cogeco. Negotiations between these two large companies and TFO — which were never able to reach an agreement — never culminated in an agreement on a reasonable price.

These two companies and other large concerns objected to having TFO imposed on them by the CRTC. Public notice 2000-72 issued in March by the CRTC gives eight reasons, which boil down to three. First, the existence of an educational television service in Quebec; this is true. Second, the fact that TFO is already eligible for optional satellite and cable distribution in Quebec; that too is true. Third, the exceptional circumstances under which TVO-TFO was authorized to distribute the TFO signal in New Brunswick; that is true.

I would remind honourable senators that 90 per cent of TFO's programming is different from that of Télé-Québec. Its broadcasts contain no advertising, violence or sexism. The duplication argument is therefore invalid. It is different. I also wish to point out that TFO had promised the CRTC that it would reinvest the profits — if any — made in Quebec in new programming in Quebec for Quebecers.

As for the licence granted by the CRTC to TFO to distribute its signal in New Brunswick, that was because there was no provincial educational television in New Brunswick. This came about as a result of the request by the Société des Acadiens et Acadiennes du Nouveau-Brunswick and the Fundy association, both of which wanted a greater choice of French-language television services than the CRTC had approved.

As you can see, in ruling against TFO, the CRTC gave priority to the interests of the market instead of the interests of Canada's linguistic minorities. The commission did not make effective use of the tools at its disposal to ensure that the interests of Canada's linguistic minorities are well represented in the area of radio and television broadcasting.

In the CRTC's ruling, counsel Stuart Langford clearly pointed that out in a minority opinion when he said:

I disagree with the majority decision in this issue. Denying the request does not serve the public interest and it does not respect the obvious spirit and letter of the long established Canadian broadcasting policy.

I told you yesterday that the court of appeal had rejected my appeal for an oral hearing. I am very disappointed by that ruling. I instructed my lawyers to go to the Supreme Court and to ask for leave to be heard.

The Hon. the Speaker: Honourable Senator Gauthier, I am sorry to interrupt you, but your three minutes have expired.

[English]

INTERNATIONAL LITERACY DAY

Hon. Joyce Fairbairn: Honourable senators, although our chamber was not sitting on Friday, September 8, I wish to draw the attention of honourable senators to the annual celebration of International Literacy Day which took place in communities large and small across this country as people of all ages, from the tiniest child, to people in the workplace, to seniors were sharing their enthusiasm and caring for this issue, which is one that challenges 40 per cent of our adult Canadian population every day of their lives. They experience difficulty in trying to cope with routine reading, writing and numeracy tasks, something which everyone in this chamber takes for granted.

The good news, honourable senators, is that, over the years, tremendous strides have been made on this very difficult and intractable issue. Technology has helped tremendously. Innovations across the land are bringing literacy to families and to children at the earliest possible ages like never before. At the same time, however, our technological revolution raises the literacy bar. Thus our difficulty in Canada is something that is with us daily. This chamber contains many senators who have been extraordinarily helpful in combating this issue. I thank them very much. We as an institution have a great example to set in helping with literacy in Canada.

ROUTINE PROCEEDINGS

TOBACCO YOUTH PROTECTION BILL

REPORT OF COMMITTEE

Hon. Mira Spivak, Chair of the Standing Senate Committee on Energy, the Environment and Natural Resources, presented the following report:

Wednesday, September 20, 2000

The Standing Senate Committee on Energy, the Environment and Natural Resources has the honour to present its

FOURTH REPORT

Your Committee, to which was referred Bill S-20, An Act to enable and assist the Canadian tobacco industry in attaining its objective of preventing the use of tobacco products by young persons in Canada, has, in obedience to the Order of Reference of Tuesday, May 9, 2000, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

MIRA SPIVAK
Chair

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Kenny, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

THE SENATE

PROPOSED CHANGE TO RULES REGARDING
COMMITTEE MEMBERSHIP—NOTICE OF MOTION

Hon. Douglas Roche: Honourable senators, I give notice that in two days hence I will move:

That rule 85 of the *Rules of the Senate* be amended:

(a) by adding immediately after subsection 85(1) the following:

“(2) The Committee of Selection may make a recommendation to the Senate that two additional members be added to any standing committee.

(3) Senators may apply to sit on a standing committee either by application to their respective whip or directly to the Committee of Selection.”; and

(b) by renumbering subsections 85(2) to (5) as subsections 85(4) to (7) and all cross-references thereto accordingly.

SALT SPRING ISLAND

MICROWAVE CELLULAR PHONE ANTENNAE—PETITION

Hon. Mira Spivak: Honourable senators, I have the honour to present a petition signed by a large number of citizens on Salt Spring Island, which states that the petitioners are opposed to having microwave cellular phone antennae anywhere on Salt Spring Island. They ask that Telus representatives attend a public meeting on the island and consult with local residents before taking steps that could affect the health of islanders.

QUESTION PERIOD

NATIONAL DEFENCE

EVICTION OF MILITARY FAMILIES FROM MILITARY HOUSING
TO SHELTER HOMELESS

Hon. J. Michael Forrestall: Honourable senators, back in June, just before we adjourned for the summer break, I asked the Leader of the Government in the Senate if he could give me some information with regard to what amounts to the “kicking out” of military families from the PMQs at the Rockcliffe and Uplands bases to house the homeless from this area. I have no objection to that. Something must be done. However, we have some concerns about the people who are being unceremoniously bumped out of their accommodation in what is clearly a sellers’ market and not a buyers’ market.

In answering my question the minister indicated that he would be happy to get the information on that specific question. In fact, he said:

I shall attempt to have an answer for him before the end of the week.

The summer has gone by. I wonder if, today, the minister can give us an indication of whether that is in fact the case: that a memorandum of understanding has been signed, that military families are being evicted in order to house the homeless and that this will take place in major bases across the country that have been affected by cutbacks or closures.

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, my recollection was that, in fact, I did make those inquiries on behalf of the senator and that I received a reply.

• (1430)

I believe the honourable senator is telling me that he did not receive that reply. I must check with staff at my office, but my recollection is that I did see a written response to that question. If the senator is able to refresh my memory, I would appreciate it.

Senator Forrestall: I did get a response on September 7. It was the very nature of the response that had me concerned. The answer is on paper headed Defence Access Requests and is dated September 7, 2000. It responds to my request for all details on plans to house the homeless on Canadian military bases and for a copy of the memorandum of understanding with regard to housing the homeless at the PMQs at Rockcliffe here in Ottawa. The response indicates that the documents necessary to respond to my request are still in draft form and are undergoing review and discussion. As those documents have not yet been created in their final form and a premature release has the potential to affect ongoing federal-provincial-municipal negotiations, they are being severed in their entirety. This means that you cannot have them, you cannot see them, we are not going to let you in on the big secret, confirming, I suspect, what I had asked the minister in late June.

From this response, there is no question that negotiations are ongoing, that indeed it is a plan, probably not a bad one in what it intends, but very callous and cold, if members of the Canadian Armed Forces are to be given a period of time in which to find accommodation in the general market in what has to be one of the highest priced regions in the country. I wonder if the minister can confirm what I just suggested and believe to be the case. Can he give us some indication as to what plans the Canadian Armed Forces have to house families within the forces who otherwise might find it difficult to find housing within close commuting distance of their work? They may be able to go 40 or 50 miles out into the country to find equivalent dollar accommodation. What plans does the government have in this respect?

Senator Boudreau: I thank the honourable senator for sharing that response because it does bring back my recollection of it. At that time, as the minister indicated in his response, he was unable to provide a final draft of any arrangement or agreement. Perhaps it is appropriate now for me to return to the minister and ask him for an update and whether or not he can provide us with the details that were in draft form at that point.

Senator Forrestall: I thank the minister very much for that and I understand his position. I trust that he will be aware of the anxiety of the families on bases from Shearwater to Vancouver Island.

Senator Boudreau: I will attempt to get that to the honourable senator at the first opportunity.

THE SENATE

MOTION TO ESTABLISH OFFICE OF CHILDREN'S ENVIRONMENTAL HEALTH—RESPONSE OF GOVERNMENT

Hon. Mira Spivak: Honourable senators, on November 17 last, this chamber unanimously passed a motion urging the government to establish an Office of Children's Environmental Health to promote the protection of children from environmental hazards.

The motion was a response to concerns raised by the Canadian Institute of Child Health during last year's committee hearings on Bill C-32, to amend the Canadian Environmental Protection Act.

I asked the question later, in February of this year, about the government's response. A few weeks later, the Deputy Leader of the Government in the Senate replied that a workshop was slated for May 2000, at which time a concrete plan for addressing children's environmental health issues would be discussed, but that no decision had been taken up to that point.

Last month the Child Health Institute again raised the warning that Canadian children, like baby belugas, are exposed daily to a toxic soup of chemicals in their water, air and food. It released a 325-page report detailing what is known about the increasing rate of childhood cancers, childhood asthma and other health problems linked to environmental contaminants. It called for a major government investment in research to investigate the cumulative long-term effects of this chemical soup on children.

My question is again to the Government Leader in the Senate: What specifically has the Government done in response to the Senate's motion? What more does it plan to do, specifically in the area of research, following the May workshop and the release of the more recent report?

Hon. J. Bernard Boudreau (Leader of the Government): The honourable senator obviously wants a very specific and detailed answer to that question. I will not go into the various health research initiatives that have been undertaken by the government in various areas, but I will simply relay her question to the Minister of the Environment and ask for a response from him, which I will provide to the senator.

The responsibility for environmental protection, research and other related matters is a shared jurisdiction, and the initiatives in health research that have been undertaken by this government in the last several years have been quite substantial, as I am sure she is aware.

Senator Spivak: Honourable senators, I applaud those initiatives, but the Senate's motion constitutes a more specific request. It calls for a specific response.

Again, I draw to the minister's attention the fact that this chamber passed a unanimous resolution urging the government to establish the Office of Children's Environmental Health. Have the minister's colleagues in cabinet put sufficient weight on the unanimous resolution of the Senate, and has he received any communication indicating a will to act on this particular Senate resolution?

Senator Boudreau: Honourable senators, I am certain that the ministers involved would take very seriously any resolution passed by the Senate or, indeed, by the House of Commons. Whether every resolution can be acted on in specific detail is another question, but I am sure the minister is aware of the resolution and views it seriously.

As to the specific information that the honourable senator may wish, I will request that of the minister and ask if he can reply in more specific terms than I can.

FOREIGN AFFAIRS

PROPOSAL TO ESTABLISH DIPLOMATIC RELATIONS WITH NORTH KOREA—INVOLVEMENT OF CANADIAN SECURITY INTELLIGENCE SERVICE

Hon. Marcel Prud'homme: Honourable senators may recall that sometime before we left for the summer I asked the Leader of the Government in the Senate whether the time had come for Canada to recognize North Korea, adding, and I will put the record straight, that I have had a relationship with this issue for 19 years. Of course, it did bother the Canadian Security Intelligence Service, but I never hesitated because I always did everything in the open.

To my surprise and happiness, I have never had such an answer so fast. A few days later the Leader of the Government in the Senate answered me, saying that we had established contact over the last five years through certain gestures and that, indeed, were on our way to recognizing North Korea. During the summer it was announced that Canada would establish a diplomatic relationship with North Korea. My only reason for supporting that approach is that I believe that with hot issues one should never hesitate to engage. This does not mean that one necessarily agrees.

• (1440)

I read more and more that CSIS has done everything possible, or so says their spokesperson. It annoys me very much to see that such an institution, whose efficiency should be equalled by discretion, so often experiences leaked information.

I thought the Canadian political master was the Government of Canada, and I bow to the government. The government should decide the direction of the institutions. They may take counsel, but once the government decides what to do, the institutions should bow to the wishes of the government.

In the last few days, CSIS has been saying that they have done everything right. They say the current approach is wrong. I disagree with them. They may be right, but the Government of Canada has thankfully decided to engage with representatives of North Korea in order to get closer to peace and understanding. It is important to remember that it is sometimes better to have people under your eyes than to have them far away. That way, you will always know what they are doing.

Could the minister convey a message of strong disagreement to the government minister responsible for CSIS to the effect that at least one senator objects very strongly to these leaks we read about all the time from what is at times a disinformation office?

Hon. J. Bernard Boudreau (Leader of the Government): In response to the honourable senator, I will say that governments always have problems with leaks. It is very difficult and challenging to do anything about leaks in most instances.

I would agree and support the policy of engagement that Senator Prud'homme has eloquently described. I do not know if all senators would agree, but I agree that isolation seldom achieves any worthwhile objectives in the long run.

Let me assure the honourable senator that, to the best of my knowledge, the initiative is proceeding. I am not aware of any interventions by CSIS or any other body. I understand Senator Wilson is leading a mission to North Korea as we speak. That mission will be charged with finding ways to build bridges and to build substantive connections in areas of cooperation.

I might also inform my honourable friend that Canadian officials, led by DFAIT's Assistant Deputy Minister for Asia-Pacific and Africa, will meet in Beijing with officials from North Korea in the last days of September to begin discussions on diplomatic relations. To the best of my knowledge, that initiative is proceeding.

CAPE BRETON DEVELOPMENT CORPORATION

DIVESTITURE PROCESS—REQUEST FOR UPDATE

Hon. Lowell Murray: Honourable senators, I wish to ask the Leader of the Government a question about the Cape Breton Development Corporation file on which I have no doubt that he is fully conversant and informed.

We passed a bill in June to facilitate the privatization of that Crown corporation. It appears that on July 6, a letter of intent was signed by Devco with Oxbow Carbon & Minerals Inc. of the United States for the sale of Devco. Nothing seems to have happened since that time.

One understands that the three conditions attached to a successful completion of the transaction are: first, that the sale of coal contract be negotiated with Nova Scotia Power; second, that the collective agreement be signed with the United Mine Workers, District 26; and, third, that the purchase price be acceptable.

What is taking so long? What is the status of this transaction?

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, I do not know what I can add by way of detail except to say that the process is ongoing, as I understand it. Obviously, it has not been concluded or there would have been some announcement to that effect. I am assuming that discussions are taking place, but I have not followed the matter in detail. Perhaps I can attempt to obtain an update from the minister responsible. To this point, I am not aware that any conclusion to that process has been reached.

Senator Murray: I understand that there is no deadline, publicly at any rate, for a conclusion of the transaction.

Would the minister ascertain whether, for planning purposes, the Department of Finance has set a date by which it expects to be clear of the Cape Breton Development Corporation?

Senator Boudreau: Perhaps I can make some inquiries as to whether they have set a date or what impact that would have on negotiations. I certainly can make the inquiries.

Senator Murray: Not to put too fine a point on it, but is it fair to expect that the corporation will continue as a Crown corporation with its mining and other activities until such time as it is disposed of?

Senator Boudreau: That would be my expectation. One would hope that negotiations would be completed and the transfer would take place, but in the meantime my expectations are that the corporation will continue to operate.

ORDERS OF THE DAY

PARLIAMENT OF CANADA ACT MEMBERS OF PARLIAMENT RETIRING ALLOWANCES ACT

NOTICE OF MOTION TO ALLOCATE TIME

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I rise at this time to make an observation or statement that will introduce a notice of motion pursuant to rule 39.

The observation I make is that my counterpart, the Deputy Leader of the Opposition, and I have been in discussion pursuant to my attempt to reach an agreement on the time to be given for third reading consideration of Bill C-37. We have been unable to reach such an agreement, but we will continue our discussions.

I now exercise my discretion to give notice that tomorrow, Thursday, September 21, 2000, I will move:

That, pursuant to Rule 39, not more than a further six hours of debate be allocated to dispose of third reading of Bill C-37, An Act to amend the Parliament of Canada Act and the Members of Parliament Retiring Allowances Act;

That when the debate comes to an end or when the time provided for the debate has expired, the Speaker shall interrupt, if required, any proceedings then before the Senate and put forthwith and successively every question necessary to dispose of the third reading of the said Bill; and

That any recorded vote or votes on the said question be taken in accordance with the provisions of Rule 39(4).

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, it is incumbent upon me to rise on a point of order. It will be very important for us, as we proceed, to have much more clarity on the use of the guillotine by the majority in this place.

Rule 39, to which the Deputy Leader of the Government has just referred, is very specific in terms of the conditions that must prevail before a notice of time allocation can be given, and then the steps flow therefrom once the motion for time allocation is put forward.

• (1450)

The government may be of that view because of convenience of scheduling or timeline, but that really does not speak to the urgency of a piece of legislation. I am not sure that is why the time allocation rule was adopted by this house. I think it speaks to this rule on time allocation, which, honourable senators will remember, limits not only the time for opposition members to debate a government matter but also the time for government members to debate the matter being brought forward.

If our right to speak in Parliament is being limited, we must from time to time look closely at the nature of that limitation. Today we have not even reached the point of calling the item. We are still at third reading debate on Bill C-37. The honourable Leader of the Opposition has not even had the opportunity to rise to express the view of the opposition on the legislation. Having heard a few lines from the Deputy Leader of the Government, who is the proponent of the motion at third reading, lo and behold, he then gives notice that they think time allocation may be needed. That notice is given even though discussions are ongoing.

Honourable senators, this is a point of order. The rule envisages some serious discussions to decide on the timeline for proceeding with a piece of government legislation.

On an almost *prima facie* basis, if we are at third reading and the adjournment of the debate that began yesterday was taken by the Leader of the Opposition — and we have not even heard from the Leader of the Opposition yet — that constitutes a complete abuse of this rule. That use was not envisaged by the Senate when it adopted the rule.

Senator Hays: Honourable senators, my first point is: When should a point of order be raised in this matter? Should a point of order be raised when the notice is given about the motion, as I have just done, or when the motion itself is made? To my recollection, past requests for Speaker's rulings on points of order were made when the motion was moved and not when notice was given. I make that observation, Your Honour.

With that reservation, I will still respond to Senator Kinsella's comments. Rule 39 is fairly straightforward. We may not like this rule and we may feel we would be better off without it, but we do have it. There are no conditions on using the rule other than the limits within the rule itself. Senator Kinsella did not quote an authority. Rules limiting time are common, but perhaps rules in this form are not common in parliamentary procedure; I do not know.

Honourable senators, rule 39 is straightforward. I have proceeded in a way that is envisaged under the rules.

We differ legitimately on when to dispose of Bill C-37. We have discussed that. I do not think it is appropriate to get into the details of the discussion. Perhaps I should not have mentioned it, but the discussions are ongoing. Pursuant to the necessary discussions with my caucus colleagues, we have reached a conclusion, as I described in my preamble to giving the notice of motion.

I timed that notice of motion to alert all senators that we on this side wish to proceed with Bill C-37. I did not wait until the matter was called to give us time for debate. I assume there will be speakers on this matter today, and they can comment on my notice of motion in the context of their speeches on the main motion.

I could also have given notice when the Speaker called for Government Notices of Motion, but I thought it most appropriate to give notice before the order was called.

Taking a long time to meet the request for a ruling would be totally inconsistent with the spirit of rule 39. The very purpose of giving such notice is to get on with the matter of third reading debate and with disposing of the third reading stage. I acknowledge that rule 39 provides for a deferral of any vote at the end of debate. That could take us into a Friday sitting to dispose of the bill consecutively, unless we adjourn to a later date.

Those are my comments in response to Senator Kinsella's point of order.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, it is quite appropriate to raise the point of order at the time notice is given because, under rule 39, notice cannot be given unless the parties have failed to allocate.

According to the deputy leader, they have failed to allocate as of this moment, but they are still discussing and hoping to come to an agreement. In effect, if the discussions are ongoing, how one can suppose the final result and introduce a notice of motion? The final result may not necessitate closure. It is quite appropriate that while discussions are ongoing, giving of notice at this time is completely out of order.

[Translation]

Hon. Pierre Claude Nolin: Honourable senators, are we debating the point of order raised by Senator Kinsella?

The Hon. the Speaker: Yes.

Senator Nolin: If so, it means that His Honour accepts the point of order. I think that he should first make that decision. Otherwise, we will have a debate on the admissibility of the point of order. I need clarification on this.

The Hon. the Speaker: Senator Kinsella raised a point of order. I will listen to all the honourable senators who want to discuss it and when I feel that I have heard enough, I will say that

the debate is over. I will then take time to ponder the issue, or I will rule immediately on the point of order.

Senator Nolin: Honourable senators, a condition is indeed set out in rule 39(1). In the argument put to us in support of the motion by Senator Hays, I heard no mention that this condition had been met, that there had been a discussion of the specific number of days or hours for consideration of Bill C-37. I think it is important, before His Honour rules on Senator Kinsella's point of order, that a specified number of hours be submitted to the Deputy Leader of the Opposition by the Deputy Leader of the Government in the Senate, before we admit to being unable to reach an agreement.

[English]

• (1500)

Senator Hays: Honourable senators, further to Senator Lynch-Staunton's point about ongoing negotiations, I submit that it is open for parties who are responsible for the business of the chamber to talk at any time or not talk as they wish. I must say that I have never found it a problem to talk to my counterpart, and I feel that the honest thing is to acknowledge that we will continue to talk even though I am giving notice of this motion under rule 39.

To interpret rule 39 as one that is only applicable when the relationship on a particular item of discussion is totally intractable would not be consistent with the spirit of the rules, or rule 39, or the spirit of doing business in this chamber.

As to the point of how detailed the discussion was, I repeat that I do not think it is appropriate to go into the discussion that has taken place to this point because it then becomes an issue of the two sides standing up and saying, "I said this," or "You said that." I am trying to avoid that situation.

Honourable senators, I simply say that discussions have taken place and they have not produced a conclusion on this side. In representing the government side, I feel that is adequate. Accordingly, I am taking a step under the rules to have a decision by this chamber come to a head more quickly than I am able to through agreement. The rules allow me to do so, and it is no more complicated than that.

[Translation]

Senator Nolin: Honourable senators, the rule provides, and I quote:

...that the representatives of the parties have failed to agree to allocate a specified number of days or hours for consideration...

Am I to understand from what Senator Hays has said that a specific request was made and this request was not honoured by Senator Kinsella? I would like to hear Senator Kinsella tell us that indeed we were asked for a specific number of days or hours and that we did not agree to it. That is not so difficult.

[English]

Senator Hays: Honourable senators, from my point of view on this side, I suppose it is the sort of question I would answer with a "yes."

Hon. Douglas Roche: Honourable senators, I do not wish to get in between the distinguished leadership on this question. I only want to ask the deputy leader that if time allocation is indeed introduced on Bill C-37, when will the third reading vote be on the bill?

Senator Forrestall: Next Christmas.

Hon. Nicholas W. Taylor: Honourable senators, seeing a good brawl and being partly Irish, I feel that I must jump in.

In speaking to the matter of closure, which is what time allocation is, I draw your attention to the sixth edition of Beauchesne's, as edited by Fraser, Dawson, Holtby, paragraph 519. I refer to the fact that the Leader of the Opposition and the Deputy Leader of the Opposition are complaining that we are talking about closure or time allocation when very little debate has taken place and that they have not made their speeches. Subparagraph 519(7) states:

"Consideration" of a clause —

— which means closure —

— or other item may be achieved by as little as one speech...

In other words, the idea that before closure can be brought forward there must be a great amount of debate is untenable. One speech is sufficient. Therefore, I believe our deputy leader is quite within his rights if he wishes to bring it up now.

Hon. Marcel Prud'homme: Honourable senators, perhaps we could suspend what Senator Hays has just proposed. Upon adjourning, the deputy leader could then start negotiating with the official opposition as to the hours of debate. The two sides will most likely not come to an agreement. I can see that developing. Tomorrow, with consultation having taken place, perhaps the Leader of the Government in the Senate could come back and say that they have negotiated according to the rules, come to no conclusion, and he is therefore advising that we will have, for example, six hours of debate. That will take us into next week.

Honourable senators, I am afraid the vote could be taken Friday or, if the wish of the opposition is manifested, it may be taken next week. If everything is to happen next week, perhaps my suggestion could be helpful to the debate, or it may complicate it. I do not know the reason for this urgency. I know that some people of the other place are paying attention to the Senate for the first time. Therefore, we may have the pleasure of having them pay more attention for a little longer.

Senator Hays: Honourable senators, in answer to Senator Roche, if the motion is moved tomorrow, the vote could be tomorrow. It could also be Friday or at a later date, if the Senate adjourns to a later date. Most likely it would be Thursday or Friday if the motion is moved.

In regard to Senator Prud'homme's comments, as far as I am concerned, the lines of communication continue to be open. I believe I acknowledged that throughout my interventions on this matter.

Senator Prud'homme: We admit that we do not know what is going on.

The Hon. the Speaker: I thank all honourable senators who participated in the debate. If no other honourable senator wishes to speak, I will rule now.

First, honourable senators, let me point out that the motion before us is identical to previous motions of the same type that have been moved. There are no changes in the wording.

I refer all honourable senators to rule 39(1), which can be found on page 41 of the red book. It sets out the procedure exactly. Perhaps I will read the motion proposed by Honourable Senator Hays.

Senator Lynch-Staunton: We are not challenging the motion, but the notice.

The Hon. the Speaker: Honourable senators, that rule will answer the questions raised by Honourable Senator Nolin and Honourable Senator Roche.

The proposed notice of motion by Honourable Senator Hayes is as follows:

I give notice that tomorrow, Thursday, September 21, 2000, I will move:

That, pursuant to Rule 39, not more than a further six hours of debate be allocated to dispose of third reading of Bill C-37, An Act to amend the Parliament of Canada Act and the Members of Parliament Retiring Allowances Act;

That when the debate comes to an end or when the time provided for the debate has expired, the Speaker shall interrupt, if required, any proceedings then before the Senate and put forthwith and successively every question necessary to dispose of the third reading of the said bill; and

That any recorded vote or votes on the said question be taken in accordance with the provisions of Rule 39(4).

Honourable senators, it is clear that the proposed motion sets out the day, the hour and the terms concerned and that the third reading will take place at the end of that debate.

Insofar as the point raised by the Honourable Senator Kinsella is concerned, I refer specifically to rule 39(1), which simply states that if "the Deputy Leader of the Government in the Senate, from his or her place in the Senate, may state that the representatives of the parties have failed to agree to allocate a specified number of days or hours," that allows the deputy leader to give notice.

Honourable senators, the deputy leader has stated that an agreement has not been reached. I have no means of knowing whether an agreement will be reached. All I have before me is a motion stating that if they have reached no agreement at this point, the rule has been followed and the terms have been set out. Therefore, I rule that the point of order is not valid.

• (1510)

We will now resume debate.

BILL TO AMEND—THIRD READING—DEBATE SUSPENDED

On the Order:

Resuming debate on the motion of the Honourable Senator Hays, seconded by the Honourable Senator Fairbairn, P.C., for the third reading of Bill C-37, to amend the Parliament of Canada Act and the Members of Parliament Retiring Allowances Act.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, this will probably be the last day of debate and we only have four minutes remaining to do so. Government policy is working well: Ram the bill through the House of Commons with no debate at all, two days of sham, and do the same thing here!

The bill was passed at second reading here and suddenly, without warning, the Banking Committee called a meeting for Thursday morning, June 29. It had only the minister, the sponsor of the bill and his officials as witnesses. The committee then proceeded with clause-by-clause consideration of the bill over our objections and tried to get leave to have the bill pass third reading here, which we refused.

Again today, we are being asked to follow the same pattern of discrediting legislation by ramming it through without proper study. It has already started. Why? In June it was feared that an election might be called in the fall and if this bill were not passed, certain members of Parliament, depending on election results, would be penalized. I sympathize with that, but there is no fear of an election being called between now and the end of October — that is, unless the Leader of the Government in the Senate would like to deny that.

Senator Meighen: He does not know. Obviously, he does not go to cabinet!

Senator Lynch-Staunton: He has not chosen his riding yet. We must give him more time so that he may decide upon one.

My suggestion will be, through a motion, to return the bill to the Banking Committee, call in the witnesses who indicated in June that they wanted to appear, have them hold hearings next week, and report the bill to the Senate when we return in early October. We would agree to have the vote on the bill before the end of the week in which we return. There will only be a two-week delay. Surely the government can allow that to take place.

MOTION IN AMENDMENT

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, with those remarks, and under the threat of the vote being called in a few minutes, I move, seconded by Senator Tkachuk:

That Bill C-37 be not now read a third time, but that it be referred back to Standing Senate Committee on Banking, Trade and Commerce so that the committee may hear further witnesses on this Bill; and that the Committee report back to the Senate no later than October 2, 2000.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I was about to rise to speak to the motion, but in light of the fact there is only one minute left —

The Hon. the Speaker: It is now 3:15 p.m. Under the order of the house passed yesterday, I must now call for the bells to be rung for 15 minutes prior to a vote at 3:30 p.m.

Senator Hays: In the minute that is on the clock, I shall adjourn the debate. I would like to speak on the motion — probably not surprisingly, against it. There has been a proposal and I would like to respond to it. Accordingly, I wish to move the adjournment of the debate.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: Will those in favour of adopting the motion please say "yea"?

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those opposed please say "nay"?

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "nays" have it. Therefore, debate will continue after the division.

[The Hon. the Speaker]

NATIONAL DEFENCE

MOTION TO ESTABLISH SPECIAL SENATE COMMITTEE TO EXAMINE CONDUCT OF PERSONNEL IN RELATION TO THE SOMALIA DEPLOYMENT AND THE DESTRUCTION OF MEDICAL RECORDS OF PERSONNEL SERVING IN CROATIA DEFEATED

On the Order:

Resuming debate on the motion of the Honourable Senator Lynch-Staunton, seconded by the Honourable Senator Kinsella:

That a Special Committee of the Senate be appointed to examine and report on two significant matters which involve the conduct of chain of command of the Canadian Forces, both in-theatre and at National Defence Headquarters and its response to operational, decision making and administrative problems encountered during the Somalia deployment to the extent that these matters have not been examined by the Commission of Inquiry into the Deployment of Canadian Forces to Somalia and allegations that Canadian soldiers were exposed to toxic substances in Croatia between 1993 and 1995, and the alleged destruction of medical records of personnel serving in Croatia;

That the Committee in examining these issues may call witnesses from whom it believes it may obtain evidence relevant to these matters including but not limited to:

1. The present Minister of Defence in relation to both matters;
2. Former Ministers of National Defence in relation to both matters;
3. The then Deputy Minister of National Defence in relation to both matters;
4. The then Acting Chief of Staff of the Minister of National Defence in relation to the Somalia occurrence;
5. The then special advisor to the Minister of National Defence (M. Campbell) in relation to the Somalia occurrence;
6. The then special advisor to the Minister of National Defence (J. Dixon) in relation to the Somalia occurrence;
7. The persons occupying the position of Judge Advocate General during the relevant period in relation to the Somalia occurrence;

8. The then Deputy Judge Advocate General (litigation) in relation to the Somalia occurrence; and

9. The then Chief of Defence Staff and Deputy Chief of Defence Staff in relation to both occurrences.

That seven Senators, nominated by the Committee of Selection act as members of the Special Committee, and that three members constitute a quorum;

That the Committee have power to send for persons, papers and records, to examine witnesses under oath, to report from time to time and to print such papers and evidence from day to day as may be ordered by the Committee;

That the Committee have power to authorize television and radio broadcasting, as it deems appropriate, of any or all of its proceedings;

That the Committee have the power to engage the services of such counsel and other professional, technical, clerical and other personnel as may be necessary for the purposes of its examination;

That the political parties represented on the Special Committee be granted allocations for expert assistance with the work of the Committee;

That it be empowered to adjourn from place to place within and outside Canada;

That the Committee have the power to sit during sittings and adjournments of the Senate;

That the Committee submit its report not later than one year from the date of it being constituted, provided that, if the Senate is not sitting, the report will be deemed submitted on the day such report is deposited with the Clerk of the Senate.

The Hon. the Speaker: Call in the senators.

• (1530)

The Hon. the Speaker *pro tempore*: The question now before the Senate is the motion by the Honourable Senator Lynch-Staunton, seconded by the Honourable Senator Kinsella:

That a Special Committee of the Senate —

An Hon. Senator: Dispense!

Motion negatived on the following division:

YEAS

THE HONOURABLE SENATORS

Andreychuk	LeBreton
Atkins	Lynch-Staunton
Beaudoin	Meighen
Bolduc	Murray
Buchanan	Nolin
Carney	Oliver
Cochrane	Robertson
Cohen	Roche
Comeau	Rossiter
DeWare	Simard
Forrestall	Spivak
Gustafson	St. Germain
Keon	Stratton
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NAYS

THE HONOURABLE SENATORS

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Austin	Kenny
Bacon	Kirby
Banks	Kolber
Boudreau	Kroft
Bryden	Lawson
Callbeck	Maheu
Carstairs	Mahovlich
Chalifoux	Mercier
Christensen	Moore
Cools	Pearson
Corbin	Pépin
Cordy	Perrault
Fairbairn	Poulin
Ferretti Barth	Robichaud
Finestone	(<i>L'Acadie-Acadia</i>)
Finnerty	Robichaud
Furey	(<i>Saint-Louis-de-Kent</i>)
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Grafstein	Sibbeston
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ABSTENTIONS

THE HONOURABLE SENATORS

Prud'homme—1

BUSINESS OF THE SENATE

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I move that the Senate do now adjourn and that all orders not completed stand in their place.

The Hon. the Speaker *pro tempore*: Is it agreed, honourable senators?

Hon. Senators: Agreed.

The Senate adjourned until tomorrow at 2 p.m.

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CANADA

Debates of the Senate

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• 36th PARLIAMENT

• VOLUME 138

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OFFICIAL REPORT
(HANSARD)

Thursday, September 21, 2000

THE HONOURABLE ROSE-MARIE LOSIER-COOL
SPEAKER *pro tempore*

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THE SENATE

Thursday, September 21, 2000

The Senate met at 2 p.m., the Speaker *pro tempore* in the Chair.

Prayers.

[Translation]

THE LATE HONOURABLE JACQUES FLYNN, P.C., Q.C.

TRIBUTE

The Hon. the Speaker *pro tempore*: Honourable senators, I regret to inform you of the death of one of our former colleagues, the Honourable Senator Jacques Flynn. I would ask that you all rise and join me in a minute of silence.

Honourable senators then stood in silent tribute.

[English]

VISITORS IN THE GALLERY

The Hon. the Speaker *pro tempore*: Honourable senators, I wish to draw your attention to a special delegation of the Kuwaiti Canadian Parliamentary Friendship Group from Kuwait led by Dr. Nazer Al-Sane, Chairman, and accompanied by His Excellency Mr. Majdi Al-Dafiri, Ambassador of the State of Kuwait in Canada.

On behalf of the Senate of Canada, I wish you welcome.

Hon. Senators: Hear, hear!

The Hon. the Speaker *pro tempore*: Honourable senators, I also wish to welcome Sven-Roald Nystø, President of the Norwegian Sámi Parliament. Welcome to Canada.

Hon. Senators: Hear, hear!

SENATORS' STATEMENTS

THE LATE CLAUDE BISSELL THE LATE MURRAY ROSS

TRIBUTE

Hon. Jeremiah S. Grafstein: Honourable senators, allow me to conclude a tribute to the late Claude Bissell, former president

of the University of Toronto, and the late Murray Ross, former president of York University and a dialectician on values. Both would have agreed with the late Harold Bloom of Yale University, who wrote that most imaginative work *The Western Canon* on the importance of the study of literature at the core of education and the recovery of meaning. Let me quote one small passage from Bloom's mesmerizing critique:

The West's greatest writers are subversive of all values, both ours and their own. Scholars who urge us to find the source of our morality and our politics in Plato, or in Isaiah, are out of touch with the social reality in which we live. If we read *The Western Canon* in order to form our social, political or personal moral values, I firmly believe we will become monsters of selfishness and exploitation. To read in the service of any ideology is not, in my judgment, to read at all. The reception of aesthetic power enables us to learn how to talk to ourselves and how to endure ourselves. The true use of Shakespeare or Cervantes, of Homer or of Dante, of Chaucer or of Rabelais is to augment one's own growing inner self. Reading deeply in the canon will not make one a better or a worse person, a more useful or more harmful person. The mind's dialogue with itself is not primarily a social reality. All that *The Western Canon* can bring one is the proper use of one's own solitude, that solitude whose final form is one's confrontation with one's own mortality.

• (1410)

Let these words serve, honourable senators, as a modest elegy and eulogy for the late Claude Bissell and for the late Murray Ross, as tranquil reminders of the gossamer essence that lies at the heart of the age-old debate on values and the importance of first educating oneself to face at least the understanding of meaning and, at a bare minimum, the humility of one's own mortality.

[Translation]

COMMUNITY FOUNDATIONS OF CANADA

QUEBEC—OUR MILLENNIUM PROJECT

Hon. Lucie Pépin: Honourable senators, I request leave to distribute a document related to my statement.

The Hon. the Speaker *pro tempore*: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Senator Pépin: Honourable senators, I rise today to draw to your attention a most original initiative which is evidence of a great sense of citizenship: the Our Millennium initiative of the Community Foundations of Canada. The Community Foundations of Canada have entrusted the Fédération des centres d'action bénévole du Québec and its network of 109 action centres to promote Our Millennium in Quebec.

Our celebrations of the arrival of the year 2000 were marked somewhat by concerns for a potential bug, against which we were warned but which never manifested itself. The Community Foundations of Canada and the Fédération des centres d'action bénévole propose that we be bitten by a real bug for the year 2000: to be truly and broadly committed to a renewed involvement in our society, or in other words, community spirit through community action.

The underlying concept of Our Millennium is a very simple one: local action for global impact, or to put it another way: grouping together locally to influence society as a whole. This means, as you will have concluded for yourselves, that Our Millennium fits within a perspective of governance to restore to community and volunteer groups their rightful role within their community.

Our Millennium involves values. First of all, solidarity: solidarity toward others and toward one's community. Solidarity implies openness, trust and respect, compassion and understanding, the desire to help and to share. Solidarity means acknowledging what we have in common with each other, while respecting our differences. It means taking on collective undertakings, affirming a desire to live and act together. Solidarity is wanting to change life, to make it more beautiful and more human.

The Community Foundations of Canada and the FCABQ propose a whole list of ideas to make this program a reality. These ideas include the education of girls, in particular, promoting their access to science. Under Our Millennium, women scientists would be invited to talk to young girls in schools, to let them know that they also have a role to play in science. Our Millennium also promotes help for seniors, the planting of trees for future generations and the development of community structures for recreational activities. Identifying the community's needs and taking action to improve its quality of life are the primary objectives of that initiative.

Honourable senators, I invite you to take part in this project. Conditions for participation are very flexible: only two people are required to form a team, initiate a project and implement it. The thousands of initiatives that are generated will be listed in a national register — provided of course that they were registered in the first place. I have already participated in two projects, the 2/3 walk, which was held last May in Montreal, and the project called Fleurir notre millénaire, in my district of Trois-Rivières.

Honourable senators, I encourage you to read and to distribute this document.

[English]

PROSTATE CANCER AWARENESS WEEK

Hon. Erminie J. Cohen: Honourable senators, the week of September 15 to 21 is designated as Prostate Cancer Awareness Week. I want to alert my colleagues to the deepening concern about this disease with its mortality rate second only to lung cancer.

In a 1997 Health Canada report, the National Cancer Institute told us that more than 19,800 Canadian men would be diagnosed with prostate cancer and that 4,100 will die of the disease; that 1 in 8 Canadian men will develop prostate cancer during their lifetime while 1 in 27 will not survive. These are startling statistics.

Because prostate cancer is the most frequently diagnosed cancer among Canadian men, I urge my colleagues to "spread the word" and deliver the clear message that early detection increases the chance of a cure and makes treatment easier, thus improving the quality of life. Early detection not only includes physical examination but PSA testing, which is credited for a current increase in early diagnosis. The PSA test is just a blood test that detects prostate-specific antigens.

Honourable senators, we can all reverse the tide of this major illness by raising awareness starting right here in this chamber. Male colleagues should heed this message and female colleagues should hound the men in their lives. We must discuss this disease the way we address breast cancer — publicly, constantly and without embarrassment.

My husband is a cancer survivor because his disease was discovered with PSA testing. As my colleague Senator Carstairs recently said to me, "Maybe we have to make prostate cancer a woman's issue in order to raise the awareness." Maybe she is right.

Honourable senators, we must make the issue of prostate cancer more visible. Please do your part and, as my honourable colleague just asked, make this your project.

POLICE AND PEACE OFFICERS NATIONAL MEMORIAL DAY

Hon. A. Raynell Andreychuk: Honourable senators, I wish to draw to your attention the fact that September 24 is Police and Peace Officers' National Memorial Day. On Sunday, at 11:00 a.m., the twenty-third annual memorial service for police and peace officers who have died in the performance of their duties will be held on Parliament Hill. We will have an opportunity to pay tribute to police and peace officers who have made the ultimate, tragic sacrifice to keep our communities safe. We can also express our appreciation for their dedication and professionalism while performing their duties under often unpleasant or adverse circumstances.

Police and Peace Officers' National Memorial Day had its sad beginnings in the murder of an Ottawa rookie constable, David Kirkwood, on July 11, 1977. Following this senseless killing, Ottawa police officers vowed to keep his memory alive and to assure that Canadians would never forget his sacrifice or the sacrifice made by others like him. Constable Kirkwood's murder generated a response that grew into a nationally recognized ceremony honouring police and peace officers killed in the line of duty.

A two-gun salute opened the first special service and tribute on September 24, 1978. The ceremony was later expanded to honour all other police officers, correctional officers and peace officers murdered or killed in the line of duty. Now all areas of law enforcement are included.

In 1998, the Government of Canada officially proclaimed the last Sunday of September every year as Police and Peace Officers' National Memorial Day. It is a lasting tribute to those brave men and women who have died in the performance of their duty.

Honourable senators, Police and Peace Officers' National Memorial Day is an occasion to honour Canadian law enforcement personnel who have lost their lives in the service of their communities, in the service of our communities. It is also a way of showing their families that they remain in our thoughts and prayers.

As the words inscribed on the Canadian Police and Peace Officers' Memorial reminds us, "They are our heroes. We shall not forget them."

WORLD ALZHEIMER'S DAY

Hon. Catherine S. Callbeck: Honourable senators, today is World Alzheimer's Day. It is said that this disease will affect approximately 300,000 people this year in Canada, whereas 30 years from now that number will more than double to over 750,000 unless an effective remedy is discovered. Certainly the need for greater support systems for patients and their families is very pressing; however, today I wish to share with you some positive news associated with this debilitating disease.

• (1420)

Honourable senators, some of you may know of the recent findings made by Dr. George-Hyslop and Dr. Goldgaber and their team of researchers from the University of Toronto. These scientists discovered the trigger in Alzheimer's patients that is responsible for releasing the toxins into the brain. Such toxins cause the high level of tangles and nerve cell death that are characteristic of this disease. This discovery has the potential to mean a better quality of life for Alzheimer's patients in the future. Moreover, it has also led to expectations that an effective drug therapy will soon be discovered to arrest the toxic buildup in the brain that causes the disease. Until that time, it is important to support Alzheimer's societies across Canada as they continue to raise awareness and funds.

If any senator wishes to read about the positive developments associated with this disease, they were detailed in *The Globe and Mail* of September 7, 2000, and also published in the scientific journal *Nature*.

[Translation]

CANADIAN RADIO-TELEVISION AND TELECOMMUNICATIONS COMMISSION

RULING AFFECTING FRENCH LANGUAGE BROADCASTING

Hon. Jean-Robert Gauthier: Honourable senators, today again I wonder about the reasons that led the CRTC to create an obstacle to the expansion of Canadian and French language television in Quebec. This denial does not serve public interest. Yet, on its Web site, the commission states, and I quote:

Our mandate is to ensure that programming reflects our linguistic duality.

The word "duality" is the key word in this context, because there are two official languages in Canada and because language policy treats them as equal. This refusal is not in keeping with spirit of the letter and Canadian broadcasting policy. This refusal isolates French language communities by limiting their right to communicate with each other. It is hard to understand the refusal on the basis of public interest and to deny Canada's largest minority, Quebec francophones, access to a French language Canadian television service offered as an option and at a reasonable price.

As I said yesterday, I have instructed my lawyers to ask for the Supreme Court's leave to be heard in this matter. It is a question of law and of fact. This is a constitutional matter based on sections 15 and 16. It is a matter of law, namely whether sections 41 and 42 of the Official Languages Act are declaratory or directory. This must be determined clearly.

The CRTC is a federal institution, a quasi legal body and subject to the Official Languages Act. The CRTC has erred in law, in my opinion, by failing to honour its obligations. Its primary mandate is to promote the growth of francophone and anglophone minorities in Canada, to support their development and to promote full recognition and the use of French and English in Canadian society.

It is hard to explain the refusal to carry TFO by cable and optionally, unless it is to defend commercial rather than consumer interests.

The Hon. the Speaker *pro tempore*: Honourable senators, the time set aside for statements by senators has passed. Three senators wish to make a statement. Is leave granted for them to continue?

Hon. Senators: Agreed.

[English]

THE HONOURABLE JOYCE FAIRBAIRN, P.C.

CONGRATULATIONS ON RECEIVING LIFETIME ACHIEVEMENT
AWARD FOR EFFORTS TO PROMOTE LITERACY

Hon. Colin Kenny: Honourable senators, according to Statistics Canada, 22 per cent of adult Canadians have serious problems dealing with printed materials. An additional 24 or 26 per cent of Canadians can only deal with simple reading tasks.

We have amongst our number an individual who has worked tirelessly for the cause of illiteracy. Her name is Joyce Fairbairn. I wanted to draw to the attention of this chamber that, just in the past day, she received a lifetime achievement award from the *Ottawa Citizen* Literacy Foundation. I should like to paraphrase what the publisher had to say about her. He said that Senator Fairbairn has been probably the main spokesperson for literacy at the national level for as long as he has been in the field. He further noted that the only other individual to receive a lifetime award for literacy was Peter Gzowski.

Honourable senators, I congratulate Senator Fairbairn. I notice that she is not in the chamber at this moment, perhaps out of a sense of modesty, but I think we all support her and her efforts in this regard.

[Translation]

FLAG OF FRANCO-ONTARIANS

TWENTY-FIFTH ANNIVERSARY

Hon. Marie-P. Poulin: Honourable senators, September 25 will mark the twenty-fifth anniversary of the Franco-Ontarian flag. This will be an occasion to remember with pride and honour the achievements of our community, which has played a key role in building our great country and helping it to take its place in the world. For generations to come, the green and white banner will remain a tangible reminder of our heritage and of those who preserved and enriched it.

A flag is so much more than just a piece of fabric decorated with colours and forms. It is the very incarnation of our beliefs and values, and the embodiment of our collective attachment to these beliefs and values. The flag is a sort of representation of what we are. With you, honourable senators, I pay tribute today to the men and women who worked so diligently and enthusiastically for the vitality and diversity of our language, our culture, our services and our rights in francophone Ontario.

As a Franco-Ontarian, I join with Senator Jean-Robert Gauthier in celebrating the quarter of a century of our flag's existence. We both, by the way, display the flag on our office doors.

[English]

ROUTINE PROCEEDINGS

**COALITION GROUP REQUESTING ENVIRONMENTAL
ASSESSMENT OF PROPOSED LANDFILL
AT ADAMS MINE, TIMISKAMING DISTRICT,
NORTHERN ONTARIO**

LETTER TO MINISTER OF THE ENVIRONMENT TABLED

Hon. Mira Spivak: Honourable senators, with leave, I should like to table the supporting documentation for the report I shall present under the next item.

The Hon. the Speaker *pro tempore*: Is leave granted, honourable senators?

Hon. Dan Hays (Deputy Leader of the Government): Is the honourable senator tabling a report?

Senator Spivak: I am presenting a report under the next rubric on the Order Paper, and I cannot table a report then.

Senator Hays: Could my honourable friend please explain?

Senator Spivak: This letter occasioned the subject of the report. It is the supporting documentation. I merely wish to table it because I cannot table it with the report. I am not allowed to do so under the *Rules of the Senate*.

Senator Hays: It is a letter of some kind that has prompted the report.

Senator Spivak: It is a letter from a coalition group that is the subject of our report, and honourable senators will hear that in a moment.

Senator Hays: I have no objection.

Hon. John Lynch-Staunton (Leader of the Opposition): It is out of order.

The Hon. the Speaker *pro tempore*: Honourable senators, is it agreed that we table the document?

Hon. Senators: Agreed.

[Translation]

WESTERN CANADA TELEPHONE COMPANY

REPORT OF COMMITTEE

Hon. Lise Bacon, Chair of the Standing Senate Committee on Transport and Communications, presents the following report:

Thursday, September 21, 2000

The Standing Senate Committee on Transport and Communications has the honour to present its

SEVENTH REPORT

Your Committee, to which was referred Bill S-26, An Act to repeal An Act to incorporate the Western Canada Telephone Company, has, in obedience to the Order of Reference of Wednesday, June 28, 2000, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

LISE BACON
Chair

The Hon. the Speaker *pro tempore*: Honourable senators, when shall this bill be read the third time?

On motion of Senator Bacon, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

[*English*]

• (1430)

SALES TAX AND EXCISE TAX AMENDMENTS BILL, 1999

REPORT OF COMMITTEE

Hon. E. Leo Kolber, Chairman of the Standing Senate Committee on Banking, Trade and Commerce, presented the following report:

Thursday, September 21, 2000

The Standing Senate Committee on Banking, Trade and Commerce has the honour to present its

NINTH REPORT

Your Committee, to which was referred the Bill C-24, An Act to amend the Excise Tax Act, a related Act, the Bankruptcy and Insolvency Act, the Budget Implementation Act, 1997, the Budget Implementation Act, 1998, the Budget Implementation Act, 1999, the Canada Pension Plan, the Companies' Creditors Arrangement Act, the Cultural Property Export and Import Act, the Customs Act, the Customs Tariff, the Employment Insurance Act, the Excise Act, the Income Tax Act, the Tax Court of Canada Act and the Unemployment Insurance Act, has examined the said Bill in obedience to its Order of Reference dated Wednesday, June 28, 2000, and now reports the same without amendment but with the following observations:

The Committee would like to record two particular concerns that have been expressed regarding Bill C-24. The first concerns the timeliness of legislation brought forward before Parliament. This Bill contains a number of "housekeeping" measures that have the undesirable effect of retroactively amending legislation. Improved timeliness in the future would reduce the need for such retroactivity.

The Committee notes that medicine has evolved considerably in the last 30 or 40 years. Many relatively new medical practices are not accounted for by traditional classifications of medical care. The Committee believes that, in light of new medical developments here and in foreign jurisdictions, the government should reconsider the underlying principles that determine what constitute medical care exempted from the GST.

Respectfully submitted,

E. LEO KOLBER
Chairman

The Hon. the Speaker *pro tempore*: Honourable senators, when shall this bill be read the third time?

On motion of Senator Kolber, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

CANADIAN TOURISM COMMISSION BILL

REPORT OF COMMITTEE

Hon. Michael Kirby, Chairman of the Standing Senate Committee on Social Affairs, Science and Technology, presented the following report:

Thursday, September 21, 2000

The Standing Senate Committee on Social Affairs, Science and Technology has the honour to present its

TENTH REPORT

Your Committee, to which was referred Bill C-5, An Act to establish the Canadian Tourism Commission, in obedience to the Order of Reference of Wednesday, June 28, 2000, has examined the said Bill and now reports the same without amendment.

Respectfully submitted,

MICHAEL KIRBY
Chairman

The Hon. the Speaker *pro tempore*: Honourable senators, when shall this bill be read the third time?

On motion of Senator Kirby, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

**ENVIRONMENTAL ASSESSMENT
OF PROPOSED LANDFILL AT ADAMS MINE,
TIMISKAMING DISTRICT, ONTARIO**

REPORT OF ENERGY, THE ENVIRONMENT AND
NATURAL RESOURCES COMMITTEE ON STUDY
PURSUANT TO MANDATE PRESENTED

Hon. Mira Spivak, Chair of the Standing Senate Committee on Energy, the Environment and Natural Resources, presented the following report:

Thursday, September 21, 2000

The Standing Senate Committee on Energy, the Environment and Natural Resources has the honour to present its

FIFTH REPORT

Your Committee, which was authorized by the Senate on December 1, 1999 to examine issues relating to energy, the environment and natural resources generally in Canada, has heard testimony from a coalition of interested parties who have petitioned the Honourable Minister of the Environment for a full environmental assessment of the proposed landfill at the Adams Mine in Timiskaming District of Northern Ontario. The Committee heard that the proposed project meets three of the necessary triggers for such an assessment. They are — the site is on federal lands for which there is an outstanding aboriginal land claim; the project's potential effects cross provincial boundaries; and finally, leakage from the site could harm fish and fish habitat.

Your Committee supports this petition and recommends that the Minister respond positively to it.

Respectfully submitted,

MIRA SPIVAK
Chair

The Hon. the Speaker *pro tempore*: Honourable senators, when shall this report be taken into consideration?

Senator Spivak: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(g), I move that the report be adopted now.

The Hon. the Speaker *pro tempore*: Is leave granted, honourable senators?

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I believe our practice has been — and Senator Kinsella is not here — that we consider these matters at the point on the Order Paper at which they fall, rather than at the stage notice is given. I would not have any objection to the report being considered later this day if called at the appropriate place

on the Order Paper, but I do not think it is good practice to consider the report, as Senator Spivak has asked, at this point.

Hon. Jeremiah S. Grafstein: Honourable senators, this is the first I have heard of this report and its conclusions. Since it affects the City of Toronto, I should like an opportunity to review the report. I should like to stand the motion so that I have an opportunity to review the report and perhaps deal with it at a later time.

The Hon. the Speaker *pro tempore*: Honourable senators, leave is not granted to consider the report later today.

On motion of Senator Spivak, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

**CANADA-UNITED STATES
INTER-PARLIAMENTARY GROUP**

REPORT OF CANADIAN DELEGATION
TO FORTY-FIRST ANNUAL MEETING TABLED

Hon. Jeremiah S. Grafstein: Honourable senators, I have the honour to table the report of the forty-first annual meeting of the Canada-United States Inter-Parliamentary Group, which took place along the Mississippi River from May 19 to May 23, 2000.

BANKING, TRADE AND COMMERCE

REQUEST FOR AUTHORITY TO STUDY SUBJECT MATTER
OF BILL TO ESTABLISH THE FINANCIAL CONSUMER AGENCY
OF CANADA—NOTICE OF MOTION

Hon. Leo E. Kolber: Honourable senators, I give notice that on Tuesday next, September 26, 2000, I shall move:

That the Standing Senate Committee on Banking, Trade and Commerce be authorized to conduct a comparative study and report on the findings of its report entitled: *A Blueprint for Change: Response to the Report of the Task Force on the Future of the Canadian Financial Services Sector*, tabled in the Senate on December 2, 1998, and the subject matter of Bill C-38, an act to establish the Financial Consumer Agency of Canada and to amend certain acts in relation to financial institutions, or any matter relating thereto; and

That the committee present its final report no later than March 31, 2001.

• (1440)

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

REQUEST FOR AUTHORITY TO STUDY CURRENT STATE OF PERSONAL INFORMATION PROTECTION IN ELECTRONIC COMMUNICATIONS—NOTICE OF MOTION

Hon. Michael Kirby: Honourable senators, I give notice that Tuesday next, September 26, 2000, I will move:

That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine and report upon the developments since Royal Assent was given to Bill C-6, an Act to support and promote electronic commerce by protecting personal information that is collected, used or disclosed in certain circumstances, by providing for the use of electronic means to communicate or record information or transactions and by amending the Canada Evidence Act, the Statutory Instruments Act and the Statute Revision Act; and

That the Committee table its final report no later than December 31, 2000.

CANADA-UNITED STATES INTER-PARLIAMENTARY GROUP

FORTY-FIRST ANNUAL MEETING—NOTICE OF INQUIRY

Hon. Jeremiah S. Grafstein: Honourable senators, I give notice that Tuesday, October 3, 2000, I shall call the attention of the Senate to the forty-first annual meeting of the Canada-United States Interparliamentary Group held along the Mississippi from May 19 to May 23, 2000.

QUESTION PERIOD

FISHERIES AND OCEANS

BURNT CHURCH, NEW BRUNSWICK—DISPUTE OVER FISHERY— ALLEGED OFFER OF INCENTIVES NOT TO FISH

Hon. Gerald J. Comeau: Honourable senators, my question is directed to the Leader of the Government in the Senate. I watched *CTV News 1* last night and was particularly interested in the coverage of events in Burnt Church, New Brunswick.

Can the minister tell this chamber if any compensation or incentives were offered to New Brunswick fishermen in return for their agreement not to fish in and around areas currently being fished by native lobster fishermen?

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, I am not aware of any compensation having been paid, but I shall inquire.

Is the honourable senator inquiring about compensation for not fishing in a certain area rather than compensation for the purchase of licences?

Senator Comeau: Honourable senators, that is correct. I did see that *CTV News 1* and today's *Le Droit* do speak to that point. I saw last night that three fishermen walked out of a meeting, indicating on national television that they had been offered an incentive of \$10,000 to \$12,000 not to fish in the area around Burnt Church.

Is that in fact the case? Was such an incentive offered, either by the government or by the interim mediator, Mr. Bob Rae? If so, would the Leader of the Government in the Senate not agree that it is inappropriate for the government to undertake to bribe fishermen not to fish?

Senator Boudreau: Honourable senators, I am aware, as is, I am sure, the honourable senator, of a program to purchase licences in order that that capacity will be available to allow the First Nations to participate in the fishery. As I indicated, I am not aware of any specific program to pay fishermen not to fish irrespective of their licence status. I shall make inquiries of the Minister of Fisheries and Oceans and provide his response to the honourable senator.

THE SENATE

POSSIBILITY OF ROYAL ASSENT CEREMONY

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, would the Leader of the Government in the Senate confirm or deny the rumours that we can expect a Royal Assent ceremony later today? This is Thursday and we are not sitting next week. Therefore, many senators have made travel arrangements. However, if there will be a Royal Assent ceremony, many of us are willing to adjust accordingly. Will the minister tell us whether we can expect one?

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, we would be happy to have one, but the answer to that question may depend more upon senators opposite than those on this side. It may depend upon how we proceed with respect to Bill C-37, the one bill that is potentially eligible for Royal Assent.

LEGISLATIVE PROGRESS OF BILL TO AMEND PARLIAMENT OF CANADA ACT AND MEMBERS OF PARLIAMENT RETIRING ALLOWANCES ACT

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, therefore, the minister is telling us that it has been decided to ram Bill C-37 through. Notice of Royal Assent has been given to Government House and elsewhere, and any discussion we have on it will be fruitless because the die has already been cast.

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, clearly it is the wish of the government side to see Bill C-37 given third reading today. I am not aware specifically of what arrangements have been made for a Royal Assent ceremony, but I would assume that such arrangements can be made quickly. Some preliminary arrangements may already be in place, but they will certainly depend on whether the Senate passes Bill C-37.

Senator Lynch-Staunton: Honourable senators, can the minister explain why a bill that was rushed through the House in two days, with no discussion other than a presentation by the sponsoring minister, should be rushed through here in the same indecent manner? What is the need for this bill to be rushed through and given Royal Assent before we leave today? What is the urgency for this particular bill?

Senator Boudreau: Honourable senators, the issues involved in that bill are very specific. They are known to senators who have taken an interest in the bill. Looking at our legislative agenda, I believe that the balance of legislation will be before committee next week. The issue then becomes whether we would return next week to deal with one bill. In any event, the government has indicated that it wishes to have this bill dealt with as quickly as possible.

Senator Lynch-Staunton: Honourable senators, is the minister telling us that what the government wants the Senate will do, and that, therefore, we should wait for a daily Order Paper from the Langevin Block and act accordingly? Is the minister losing complete authority over the workings of this place? Does he not accept the honoured tradition of this house of examining legislation as carefully as possible and eventually reporting it back? Am I to understand that he has instructions from someone on the other side, or across the street, that they want this bill on Thursday regardless of what happens?

Senator Boudreau: Honourable senators, the decision on how the government will proceed and how this side of the Senate will proceed —

Senator Lynch-Staunton: We are not the government. We are the senate of the government.

Senator Boudreau: — is made in discussion with my colleague the Deputy Leader, myself, our colleagues and some senators opposite. In any event, the decision has been taken. We believe that the bill can be disposed of today. We gave notice yesterday that that is how we wish to proceed.

Senator Lynch-Staunton: So much for respect for the Senate.

FINANCE

POSSIBILITY OF LOWERING OF FUEL TAX

Hon. Leonard J. Gustafson: Honourable senators, I have a question for the Leader of the Government in the Senate. There

has been much discussion about alleviating fuel taxes for truckers and there is some indication that the government may take some action on this very serious problem and give some support to truckers.

I am sure that the minister is aware that every farmer starts nearly every morning at the fuel tank. Nothing is accomplished on the farm without fuel.

Would the Leader of the Government in the Senate make representations to cabinet about the importance of fuel tax cuts being extended to the agricultural community?

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, the issue of oil prices has been discussed in some detail over the last few days by the Minister of Finance. He has indicated that he has had the matter under review for some time. Any policy to alleviate taxes or otherwise deal with increased fuel costs must be carefully considered. I am confident that the Minister of Finance is currently doing that and that the issue the honourable senator has raised will form part of his consideration.

Senator Gustafson: Honourable senators, will the Leader of the Government in the Senate assure us that he will raise the importance of this matter in cabinet? The Government of Canada receives 42 per cent of the cost of a gallon of diesel fuel in taxes. That is a significant amount.

• (1450)

Given that there is a surplus budget today of some \$12 billion, would the Leader undertake to ensure that the Prime Minister and cabinet consider the importance of this matter to the agricultural field?

Senator Forrestall: And to fisheries.

Senator Boudreau: Honourable senators, I am confident that those considerations will be before the Minister of Finance and the Prime Minister, but I will undertake to relay the honourable senator's concerns in this particular area to my colleagues.

The challenge here is to ensure that any measure taken does not disappear instantly in the retail chain without being passed on to consumers.

Hon. Terry Stratton: Honourable senators, I have a supplementary question.

In talking to the president of a trucking company this morning, I was informed that trucking costs have increased by 14 cents per mile. Their profit is pennies: four cents per mile. There is a high sense of urgency. The trucking company president could not stress more emphatically the need to deal with this issue.

Would the government leader assure me that not only will he talk to the Finance Minister but stress the urgency with respect to this issue?

Senator Boudreau: I will give the honourable senator that assurance, but the best assurance is the statements that the Minister of Finance himself has made in response to questioning. He is indeed aware of the very serious challenges and hardships higher fuel prices are putting on truckers, farmers and the general consumer. I am assured by his comments that he appreciates the situation, but I will forward the senator's concerns to him.

I may not have the exact figures but my impression is that since July of 1998 the price increase is something like 20 cents; and of that amount, the vast majority, 18 cents or so, resulted from increases to the oil price rather than to taxes. I want to make sure we get this right and that any relief that is contemplated gets to the consumers.

Hon. Nicholas W. Taylor: Honourable senators, I have a supplementary question as well.

The GST for truckers and farmers is reclaimable, is it not? They are in business; therefore, they can claim it back. The truckers and farmers do not pay GST. The truckers pay a road tax on gasoline. Could the Leader of the Government clarify my point? I understand farmers do not pay road tax because they use the gasoline off the road. What tax do the farmers pay, if they claim GST and do not pay road tax?

Senator Boudreau: The honourable senator raises a good point. I do not claim to be an expert in the field. It is my understanding that any increase has resulted from the GST operating on the increased prices. I am not sure if businesses, including farmers, pay it initially and reclaim it, or if they are exempt right from the point of purchase. In any event, in both of those cases, it should be reclaimable.

NATIONAL DEFENCE

REPLACEMENT OF SEA KING HELICOPTERS— COSTING ELEMENTS OF PROCUREMENT COMPETITION

Hon. J. Michael Forrestall: Honourable senators, my question is for the Leader of the Government in the Senate. The switch from "best value for the dollar" to "lowest price compliant" for the Maritime Helicopter Project has more problems associated with it than just merely the cutting of the EH-101 from competition. The procurement of 28 bare-bones helicopters is a big, complex program. No one has a crystal ball. With utmost certainty, no matter how hard people try to define all the detailed specifications for a program, things will get left out that are later needed, things which will have a profound operational impact on the aircraft. Right now, because it is lowest price compliant, there is no reason for any of the companies to help out the government with solutions to problems that come before delivery. They make money, in fact, by cutting corners to be compliant, not finding solutions to operational needs. Who will bear the costs associated with these necessary operational adjustments to the bare-bones aircraft in the event that the government does not make changes to the process?

We note that the deadline has been extended to September 29. There is still room to change it. Who is going to pay for it? Would the government not make the changes that are required to circumvent this before the deadline date of September 29?

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, I am not 100 per cent certain I understand the point the honourable senator is making. If there are changes in specifications, requirements and so on, I would assume that those would ultimately be to the account of the government.

In any event, there are still questions that need some clarification. They perhaps may be clear to the competing companies; I am not sure. I had some conversations with them in the relatively recent past but I am not sure how every issue was to be dealt with, such as the ongoing cost of maintenance, and repair.

I have asked for a more detailed update from the Minister of National Defence as a result of the honourable senator's other questions. I hope to be able to have that next week.

Senator Forrestall: It will not do us much good next week as we will not be here.

I am making the point that we have lowest price compliance. There will be no professional judgement involved in the selection process. It will be the lowest price. What happens if there has been a mistake in the specs? Once the tender has been awarded, who will pay the costs for that? How is that adjusted and how does that assure a level, fair playing field? If the bid is compliant and lowest price, then the helicopter, as I have suggested, will simply be selected. There will be three prices and they will select one.

Why is it that the government excluded the military selection team from that process? Those who would determine best value for the dollar should be able to say so because they know what is the best value for the dollar. Those who have to fly the helicopters in the dead of night, out at sea, in the freezing rain, those with professional judgement and lives hanging in the balance, are being excluded from this process. Is it because they would not pick the cheapest, that they might pick something else, such as the Sikorsky or the EH-101? Is that why you excluded them from the final selection process?

Senator Boudreau: Honourable senators, I cannot confirm the details of the final selection process and, indeed, whether they are excluded or to what extent they participate with respect to advice or consultation. Obviously, they will not make the final decision. That responsibility will ultimately rest with the Minister of National Defence and the government.

• (1500)

I am confident that the judgement, the experience and the expertise of our military personnel will be relied on quite heavily.

Senator Forrestall: Honourable senators, somehow I am not being terribly clear here. I am concerned about two things. First, who will pay for the hole in the light panel where the compass is supposed to be? Who will pay for such a mistake? Second, why did we exclude from the process those very professionals whose lives depend on this piece of equipment being in a good, safe operational state? It is compliant upon the lowest cost. The minister and I could probably do a better job than anyone else. The fact is that there is no choice. It is on a piece of paper in black and white and the professionals have had no input.

Senator Boudreau: Honourable senators, there will be input to decide whether any given successful tenderer or proponent meets the qualifications. Having done that, the present approach, quite correctly, is that, once determined, the issue of price will come into play. I am sure it will not be as simple as that, but that will be a governing factor, once compliance has been confirmed.

No matter what approach is taken, if the Government of Canada requires changes after the contract has been signed, the Government of Canada will pay for those changes. That would only be reasonable.

Senator Forrestall: What does that have to do with the issue of lowest compliance?

Senator Boudreau: As to the issue of the lowest compliant price, I appreciate that people might want the best equipment available anywhere in the world for a particular function. I would, perhaps, appreciate having a Jaguar to drive me back and forth to my various responsibilities. As a matter of fact, the Government of Canada does not provide those vehicles, even though they may be better than the ones we are using. We have a responsibility to meet the requirement, but not to buy a Jaguar.

Senator Forrestall: Honourable senators, the minister is not in tune with this current process. I know he is very busy and wants to be elected to the House of Commons where life, apparently, will be a little easier for him. We are not talking about Jaguars and Cadillacs; we are talking about a functionally, operationally safe aircraft. There is no question that the Cougar is a great aircraft. The minister and I should have one to go back and forth to Halifax instead of having to fly Air Canada. However, in terms of function and its primary role, which is its mission, the Cougar is not the right aircraft. There is no question that it will meet compliance and the issue of lowest cost. While it is not the Jaguar, the Jaguar is not the Rolls-Royce either. One would have to pay a lot of money for that Jaguar, and it would not do the job.

Can the minister tell us why there has been a delay of one week or 10 days in the deadline for industry submissions in this respect? While he is at it, would he keep in the back of his mind that we have a fishing industry when it comes to taxes on gas and diesel fuel?

Senator Boudreau: Yes, honourable senators, on the last question first, there is no doubt that that is true. With respect to the increase in taxes that has occurred as a result of the increase

in prices, the same status relates to fishermen as relates to farmers in that either they are exempt initially or they get a refund on the GST.

To address the first question, I must do so peripherally. Wherever I may sit in the future, I do not expect it to be any more exciting than this particular institution has been for me over the last year.

Senator Forrestall: When are you leaving us? Tell us that!

Senator Boudreau: I think that we may have a fundamental difference of opinion. The government has said that it will be the lowest compliant price. It will be compliant with standards that have been established in consultation with the appropriate experts to determine what the role of that particular piece of equipment will be and what is required. Once that standard has been established, and if people comply to that standard, then the issue of price comes into play. I do not see anything terribly wrong with that approach.

If, for example, three helicopter submissions were submitted, all three complied, and one of them was three times as expensive as the other two, even though that helicopter did a little more, I do not know if it would make sense to buy it.

[Translation]

HUMAN RESOURCES DEVELOPMENT

EMPLOYMENT INSURANCE FUND— LACK OF SUPPORT FOR SEASONAL WORKERS

Hon. Jean-Claude Rivest: Honourable senators, my question concerns the situation of Canada's seasonal workers. Yesterday, in Chicoutimi, two to three thousand seasonal workers staged a protest against the changes to the Employment Insurance Act. They expressed their dissatisfaction with the government's indifference to their situation. This protest was of exactly the same nature as one by the people of the North Shore and Charlevoix, where the number of hours required was changed by changing the zones, so that workers could be eligible for employment insurance. Their concerns are along the same lines as those of thousands of seasonal workers across Canada in agriculture, fishing and tourism. During the winter months, these people and their families have a very hard time of it, and they cannot understand why the Canadian government remains so insensitive to their plight, while it is accumulating a surplus, much of it from the contributions paid by these very workers as a result of changes to the employment insurance program. How is it that they cannot gain the support of their government?

[English]

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, the Honourable Senator Rivest raises an important issue. It has been raised by my colleagues on this side of the Senate as well as by my colleagues in the House of Commons.

It appears that we will have a much larger surplus than was initially predicted, which is not terribly unusual. As a matter of fact, I think that is good news. However, some of that surplus will be applied to reduce the national debt of this country, which will allow for money that presently goes to pay interest to go to programs. The surplus is good news. The fact that it will be applied against the debt of this country and reduce debt servicing costs will translate into actual programs for the people of Canada.

• (1510)

Let us get back to the specific issue of changes in employment insurance and the impacts on seasonal workers. The Prime Minister has committed to a personal review of those impacts. The changes have been in operation now for some time so an assessment can be made. I am hoping to hear the results of that review very shortly.

[Translation]

Senator Rivest: Honourable senators, the Prime Minister must realize that the impact of these measures on workers is obvious. The government needs to react now, not in two months, or five.

Winter is coming on. These workers will be let go in the next few weeks and they need an immediate response. When, exactly, will the government be responding to the expectations of these workers?

[English]

Senator Boudreau: Honourable senators, I am confident in saying that the issue is before the Prime Minister, as we speak, and that he will give it his attention.

[Translation]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I have a response to a question raised in the Senate by Senator Bolduc on June 20, 2000 regarding the consequences of a decision by the World Trade Organization on the Auto Pact.

I also have a response to a question raised in the Senate on June 27, 2000 by Senator Prud'homme regarding the Summit of the Americas 2000-2001 — invitation to the President of Cuba.

[English]

INDUSTRY

AUTO PACT— IMPACT OF WORLD TRADE ORGANIZATION RULING

(Response to question raised by Hon. Roch Bolduc on June 20, 2000)

The economic impact of the elimination of the Auto Pact will be negligible. Eighty-five per cent of the vehicles sold

in Canada are made in North America, and will continue to come into Canada duty-free under the North America Free Trade Agreement (NAFTA) rather than the Auto Pact. Those vehicles imported from Mexico will still be subject to a 1.8 per cent tariff. Only those vehicles produced outside of North America will be subject to the 6.1 per cent vehicle tariff, and the bulk of these will be luxury vehicles.

It should be noted that the Big Three support the maintenance of the 6.1 per cent vehicle tariff, despite the fact that their non-NAFTA vehicle imports (Volvo, Mercedes, Saab, et cetera) will be subject to the tariff. Furthermore, government consultations with industry have indicated that the loss of the Auto Pact and the maintenance of the vehicle tariff will not significantly affect Canada's automotive operations.

Canada's position with respect to automotive production has evolved since the Auto Pact was introduced 35 years ago. Automotive companies invest in Canada for reasons independent of the Auto Pact. A highly-skilled and productive labour force, competitive labour costs, and an excellent business climate are just some of the reasons why companies from many sectors, including the automotive industry, choose to invest in Canada.

Canada's auto sector is very strong, internationally competitive and highly productive for reasons independent of the Auto Pact. Production and employment are at record highs. During 1999, the industry produced approximately 3 million vehicles and employed more than 160,000 people. The government is confident that this sector will continue to perform strongly.

FOREIGN AFFAIRS

SUMMIT OF THE AMERICAS 2000-01— INVITATION OF PRESIDENT OF CUBA

(Response to question raised by Hon. Marcel Prud'homme on June 27, 2000)

The Summit of the Americas is a process that is driven by decisions adopted by consensus among its members. The countries of this hemisphere have together endorsed a position that sees Cuba excluded from participating in the Summit process until the Cuban government demonstrates an acceptance of democratic principles and norms respecting human rights.

The Cuban government's political behaviour since early 1999 — particularly its ideological tightening, its harassment of political activists and its lack of progress on basic rights such as freedom of expression — runs contrary to a process dedicated to democracy and economic integration.

Canada supports this hemispheric consensus. Indeed, one result of our policy review toward Cuba last year was to limit any Canadian support for deepening Cuba's involvement in the hemisphere until Cuba displays a will to proceed with political and economic reform.

Canada, however, still strongly believes in working with the Cuban government and Cuban society to encourage political and economic opening. Canadian engagement is designed to provide Cuba with the kind of assistance needed for a transition to a society where respect for human rights, genuinely representative government institutions and an open economy are fundamental.

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, under Government Business, I should like to call No. 2 as the first item, debate on Bill S-25.

DEFENCE PRODUCTION ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Rompkey, P.C., seconded by the Honourable Senator Taylor, for the second reading of Bill S-25, to amend the Defence Production Act.

Hon. J. Michael Forrestall: Honourable senators, Bill S-25, to amend the Defence Production Act, is an excellent and much-needed piece of legislation. It is my opinion and the opinion generally of this side that this bill will ensure the security of our defence production capabilities and our close relationship and special exemption status with the United States under International Traffic in Arms Regulations, known as ITAR.

The most important foreign policy relationship for Canada is the management of our relationship with the United States of America. This is a fact of life. This bill only affects Canadian civilian companies as there are agreements between governments with regard to military technology. However, this is an important foreign affairs bill as it harmonizes Canadian and American laws with respect to the control of unrestricted military-related technology and its transfer domestically and export overseas.

Despite Minister of Foreign Affairs Axworthy's claims about decreasing the export of Canadian military-related goods and materials, controlled unrestricted defence-related technology was being sent by private companies in Canada to places where it should not have been sent. For example, I have heard it

suggested that components of our frigate program found their way to the People's Liberation Army of China. Additionally, there was no provision under Canadian law to prevent controlled unrestricted technology, including data and other information, from being transferred between civilian companies and others within Canada.

This state of affairs — an insecurity, if you will, in our defence production sector — caused grave concerns for our friends and partners in the United States. To protect their own national security, the U.S. threatened to relieve Canada and Canadian business of its special exemption for licences under the ITAR list. The United States government removed many of our preferential exemptions under ITAR Part 126.5 on April 12, 1999.

The loss of the exemption would have placed an undue hardship through long delays on responsible Canadian businesses in the defence sector. The government had to act quickly to remedy this serious lack of law.

The maintenance of a strong, integrated North American defence industrial base is key to our economic well-being. For example, as honourable senators know, Canada has one of the world's foremost aerospace industries. Canadian aerospace industry is a major contributor to Canada's international economic success. The Canadian aerospace industry is the fifth largest such industry in the world and has surpassed all other international aerospace industries in sales over the last five years.

Between 1995 and 1997, the Canadian aerospace industry grew by 23 per cent compared to the United States at 18 per cent and France at 15 per cent. Total sales for this key domestic industrial group amounted to approximately \$17 billion in 1999, with exports dominating the industry's total revenues to the tune of some \$12 billion. Indeed, the aerospace industry is Canada's leading advanced technology exporter and has realized a trade surplus since 1990 of some \$15 billion.

Aerospace research and development amount to approximately 12 per cent of sales or \$2 billion in investments that keep our aerospace firms on the cutting edge of high technology. This accounts for 15 per cent of all industrial research and development in Canada. Projected sales from this investment in research and technology will result in an estimated \$40 billion in future sales and will create another 9,000 high-paying jobs.

What would happen to this key industry if it had to get licences, from which they are now exempt, through the time-consuming licensing processes in the United States? It would be, I suggest, an economic disaster.

Honourable senators, Canada needs a mechanism to control these defence-related technologies and their data when being transferred between Canadian companies and their clients at home or abroad. We must be a responsible global citizen and ally. Canada reached an agreement with the United States in October of 1999 to reinstate the exemptions under ITAR by promising new legislation to fill the gaps in Canadian law.

The government chose to use the old Defence Production Act as its vehicle to control unrestricted military-related technology. To do so, it drafted amendments in the form of Bill S-25 to the old Defence Production Act as enabling legislation. Part 1 of the old act remains the same, with the exception that the penalties contained in Part 1, sections 26 to 29, were repealed. In their place, the penalties were moved to Part 3 of the act and were then updated to be more consistent with current law.

In Bill S-25, a Part 2 was added to the Defence Production Act that would establish a new control regime for unrestricted military-related technology on the export control list to be administered by the Minister of Public Works and Government Services Canada for the regulation of access to these goods.

Part 2 does not apply to government personnel or certain classes of individual, such as an approved exempted foreign visitor.

Clause 37 makes it an offence under Canadian law to allow access to or transfer of technology to any person not registered or exempted under the act. This clause also allows the government to target corporate officers who might choose to hide behind their corporations for breaches of the law. Those who would be given access by Canadian companies to items on the export control list have to be registered and/or given an exemption at the discretion of the minister in clauses 38 and 39 respectively. The minister decides who is registered or exempt through background checks and screening procedures and, under clause 41, the government puts in place inspectors to ensure that the registration process is complied with.

Part 3 of the amended act lists the offences and punishments for violating the Defence Production Act.

• (1520)

Previous penalties were old, out-of-date and needed to be significantly increased. Summary convictions under the amended act will receive a fine not exceeding \$100,000 or imprisonment for not more than two years or both. Indictable offences will be punishable by a fine not exceeding \$2 million or imprisonment for a term not exceeding 10 years or both. If an offence is committed on more than one day, the offender will be charged with separate offences for each day of the breach of the law.

Honourable senators, I have talked with various affected groups from the aviation and aerospace industries — the Canadian Defence Industry Association, for example — and they are all agreed that this bill is much-needed. We do not yet know the form that regulations will take, and I am told that they are being drafted as we deliberate. The committee may wish to request them for its examination.

Monday's *Ottawa Citizen* story about the transfer of two F-5 aircraft from a Canadian museum to private hands is a case in point as to why we need Bill S-25 in place as soon as possible.

In summary, I support Bill S-25 and would suggest that, if the government cared to do so, that the matter go to committee as

soon as possible. In that respect, we believe that while it is apparently a Foreign Affairs item, it is equally important to industry, and perhaps some consideration should be given to sending it to the Banking Committee.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker *pro tempore*: Honourable senators, when shall this bill be read the third time?

On motion of Senator Hays, bill referred to the Standing Senate Committee on Banking, Trade and Commerce.

PARLIAMENT OF CANADA ACT MEMBERS OF PARLIAMENT RETIRING ALLOWANCES ACT

MOTION TO ALLOCATE TIME ADOPTED

Hon. Dan Hays (Deputy Leader of the Government), pursuant to notice of September 20, moved:

That, pursuant to Rule 39, not more than a further six hours of debate be allocated to dispose of third reading of Bill C-37, An Act to amend the Parliament of Canada Act and the Members of Parliament Retiring Allowances Act;

That when the debate comes to an end or when the time provided for the debate has expired, the Speaker shall interrupt, if required, any proceedings then before the Senate and put forthwith and successively every question necessary to dispose of the third reading of the said Bill; and

That any recorded vote or votes on the said question be taken in accordance with the provisions of Rule 39(4).

He said: Honourable senators, I understand there may be some questions on this motion. The rules provide, that I have 10 minutes, as do other honourable senators, with the exception of the leaders who have half an hour, to speak to a motion such as this.

This is an unusual motion, one with which I have not had much experience. This is the first time I have arrived at this stage with a time allocation motion. In the past, we have discussed them but not used them. This time, it has come forward because we have a disagreement on how to deal with this bill. It is essentially a question of whether or not the bill should be given further committee study.

I believe that there is such an argument. I have listened to it. The fact of the matter is that we are dealing with one of these sensitive pieces of legislation involving compensation to parliamentarians — not in this place, I might say, but in the other place — that draws the attention of a group of people who are very difficult to please in terms of their view of what parliamentarians should receive by way of compensation or pension benefits.

Senator Lynch-Staunton: The Canadian taxpayers.

Senator Hays: I think that explains to some degree why it did not receive a lot of committee attention in the other place, and I will concede that that is one of the reasons it is not receiving a lot of committee attention in this place.

Our rules provide for a period of time, as was read out in the motion, for debate on this motion, and we have provision for a vote, all of which, if we follow the full course of opportunities available, can take quite a lot of time.

Another opportunity for me to say something will arise when the order is called, assuming that this house passes the motion. I draw that to the attention of honourable senators.

As I said, honourable senators may wish to put questions to me as the deputy leader and the mover of this motion that I have not covered or will not be able to cover in my brief remarks. It is probably more useful for me to allow for those questions and respond to them within my 10-minute time frame than to give a speech. Accordingly, I will take my seat.

Hon. Lowell Murray: Honourable senators, I have not taken part in the debate on the bill in question and, frankly, I have not followed it closely. What is being proposed now is, in effect, a closure motion to limit further debate to six hours at all stages. There must be some justification, if only in a moral or political sense, for resorting to rule 39. The normal justification would be that honourable senators have prolonged the debate and prolonged the consideration of the matter at hand beyond what might be considered reasonable by reasonable persons. Another possible justification is an emergency.

For the record, will the Deputy Leader of the Government tell us how much time was spent at second reading, committee and third reading on this bill in the other place? I will be satisfied with ballpark numbers, as will I think the rest of the Senate. More pertinently, will he tell us how much debating time has been spent on this bill at second reading and in committee in this place? Surely that information will be sufficient to justify a resort to closure.

Senator Hays: Honourable senators, I will do the best I can to provide that information to Senator Murray.

• (1530)

I do not have a detailed answer, other than to acknowledge that not very much time was spent in committee in the other place.

Senator Lynch-Staunton: It did not go to committee.

Senator Hays: Honourable senators, I do not believe there was much time spent on either second or third reading. I acknowledged the reason for that, and I made a comment to the same effect in my speech at second reading, which took 17 minutes. There were other speakers but how long they took I do not know. We probably spent no more than an hour at second

reading. The bill was referred to the Banking Committee which held one hearing that would not have been longer than an hour or two. They heard witnesses from the department and Minister Boudria. Why?

Senator Kinsella: Cover up!

Senator Hays: The answer is that this bill essentially represents a negotiation between all parties in the other place with respect to addressing two principle issues. One is an anomaly in the treatment of members of Parliament elected in 1993, as opposed to all other members of Parliament, with respect to receipt of a severance allowance.

Senator Kinsella: They didn't want to go to Stornoway either.

Senator Hays: I have forgotten the exact amount of the severance allowance. I believe it is \$16,000. However, members do not receive it if they receive another benefit. Those elected in 1993 have a small benefit, which would prevent them from obtaining the severance allowance either by leaving through their choice or through their electors' choice. MPs elected at other times would receive the full amount. The so-called "class of '93" would not receive the allowance.

Honourable senators, the bill addresses that and, hence forward — I am not sure from Royal Assent or from a time specified in the bill — all members of Parliament will be seen as members of the pension plan. Some, as you know, opted out before. The bill also provides for opting in.

That is my recollection of the content of the bill. It is the kind of legislation that I can understand would not remain in committee for a long time, either in the other place or here.

Honourable senators, I am sure there are critics. The bill was commented on in the media at the time of its passage and perhaps will be commented on again when it is dealt with in this place.

That, Senator Murray, is the best answer I can give. I know I have not been precise on the time frames at the various stages of consideration, but I have tried to elaborate a bit on how the bill evolved and why the time frames were short.

Senator Murray: Honourable senators, that pretty well confirms one's worst suspicions about the bill. One need not have strong views on the substance of the bill, although I think it is fair and pertinent to remark that the Progressive Conservative Party in the other place opposed the bill and voted against it.

Honourable senators, we should all have strong views — and I think we all do — about the credibility and reputation of Parliament, whether members of the other place or of this place. Sometimes I think members of the other place are their own worst enemies to rush through something in order to feather their own nests, and to do so, as my friend has said, as a result of some kind of secret negotiations behind the curtains. They are rushing it through second reading, committee and third reading.

Honourable senators, that is bad enough. Those who hatched the bill, those who supported it and passed it, must ultimately answer to the electorate for their actions, that is true. What they have done, however, is further denigrate their own institution and bring it into disrepute. I think it compounds the felony that we should be complicit in such an exercise.

I have not been privy to whatever negotiations took place between the leaders on either side of this chamber, but I have heard nothing from this side to indicate that the Leader of the Opposition or Deputy Leader of the Opposition were seeking some open-ended guarantee in terms of debate. As I understand it, they quite properly felt in June that the government abused its majority in the committee by rushing this thing through, and now that the bill has returned here, they are looking for leave to pass it at third reading immediately. Such a bill should receive proper consideration in committee, or perhaps in Committee of the Whole, and if not, certainly at third reading. That need not take forever. It seems to me that we do the reputation of Parliament no good at all, and a great deal of harm, by our complicity in this matter.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, first, I should like to say that all honourable senators should be concerned about what has been taking place in terms of the relationship between the other House and this house. It seems that the other place is attempting to exclude this place from doing what it was intended to do by the Fathers of Confederation.

First, we have been seeing bill after bill coming forward from the other place where they seek to exclude the Senate in the review processes. Indeed, the Minister of Intergovernmental Affairs himself came into the committee examining the clarity bill and gave a list of examples of legislation that was enacted after excluding the Senate from deliberating on reports, et cetera. That is one whole process of exclusion that has occurred. The other place is also excluding the Senate from any deliberative function in the matter of constitutional resolutions going to referendum, which was the subject matter of the serious issues contained in Bill C-20 last spring.

We now have the house managers in the House of Commons putting the pressure on the house leaders in this place to exclude the Senate from the opportunity of a 133-year tradition of sober second thought. They wish now to exclude us by ramming through a piece of legislation that is really not in the public interest, but a piece of legislation that is in the personal and private interests of a number of MPs. Many of those MPs are members of the official opposition in the other place, who originally came to town on the mantra of not looking for pensions, et cetera.

Of course, honourable senators, they said they would not occupy the residence that the people of Canada had set aside — properly in my judgment — for the Leader of Her Majesty's Loyal Opposition in the other place. Then they refused the practical provision of transportation for ministers and leaders within our parliamentary system, which is also provided to senior

managers throughout the bureaucracy. We should not allow ourselves to be drawn into that charade.

This legislation speaks directly to a private interest. It is not a matter of public interest and I find it difficult to understand why we should do this kind of bidding on an issue that is not in the public realm but, rather, in the private realm of the members of the other place.

• (1540)

Senator Murray has already alluded to the timeline. On the last day before our summer recess, the Banking Committee had a quick meeting, rammed the bill through, brought it in here, and now members opposite are trying to whistle it through. I am sure that most honourable senators thought that the most reasonable thing to do was to leave the bill in committee over the summer months where witnesses could have been heard and where the committee could have done what this institution is supposed to do, namely, give sober second thought to legislative initiatives.

The motion for third reading was put on Tuesday. The Leader of the Opposition rose, with no delay, and began to speak immediately on the motion at third reading. Because of the treatment the bill received in committee, the Leader of the Opposition reasonably advanced the proposition that perhaps we should send this bill back to committee.

Honourable senators, even though we are currently debating time allocation, it seems to me that a timeline will be set and the majority will impose time allocation. Perhaps within that three- or four-hour period we should send the bill back to the Banking Committee and have the members, if they are not already in Toronto, hear from some witnesses this afternoon. If they are in Toronto already, perhaps a Committee of the Whole could immediately be convened and witnesses brought in.

If none of that is appealing, then the jig is up. For reasons yet to be explained, the government is ramming this bill through. Senators opposite are fully aware that they are simply responding like puppets to the people in the other place who seem, more and more, to control this place.

The Hon. the Speaker *pro tempore*: Is the house ready for the question?

Some Hon. Senators: Question.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: No.

Some Hon. Senators: Yes.

The Hon. the Speaker *pro tempore*: Will all those honourable senators in favour of the motion please say "yea"?

Some Hon. Senators: Yea.

The Hon. the Speaker *pro tempore*: Will all those honourable senators opposed to the motion please say "nay"?

Some Hon. Senators: Nay.

The Hon. the Speaker *pro tempore*: In my opinion, the "yeas" have it.

Motion agreed to, on division.

BUSINESS OF THE SENATE

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, we now come to the last item on the Orders of the Day under Government Business, Bill C-37 at third reading stage. Before calling it, I should like to make a statement, with leave.

We are accustomed to sitting Tuesdays, Wednesdays and Thursdays. Occasionally we sit other days. I have asked leave to revert, as I normally do, for the purposes of the adjournment motion. The thinking is that because we have no legislation before us from the other place and nothing on the Order Paper that is imperative to deal with next week, the Senate will not sit. However, if I call Bill C-37 and we are not finished with it by 5:30 p.m., the rules provide for a vote at 5:30 tomorrow afternoon, a time when, I am told by my whip, not many of my colleagues will be here. Accordingly, my choices are either to stand this item and deal with it next week or to ask for leave of colleagues that we vote on this when the debate is concluded, notwithstanding the rule which provides that, if we proceed past 5:30 p.m., the vote is to take place at 5:30 p.m. on Friday.

I have had a brief discussion with my counterpart on this matter. I am asking for that leave now.

The Hon. the Speaker *pro tempore*: Is leave granted?

Senator Hays: Honourable senators, I will recap what I have proposed. When debate concludes under Government Business, Order No. 1, third reading of Bill C-37 and an amendment thereto, the question will be put, and if a division is requested we will take the vote after a 15-minute bell.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, this side is a bit confused about what is being proposed.

The Hon. the Speaker *pro tempore*: Is the Deputy Leader of the Government asking leave to proceed with debate on third reading of Bill C-37 until 5:30, at which time there will be a 15-minute bell?

Senator Hays: Perhaps I will make another try.

I am asking for leave of the house that we vote on Bill C-37 at the conclusion of debate on the bill, preceded by a 15-minute bell if a standing vote is requested.

The Hon. the Speaker *pro tempore*: It would not be at 5:30 p.m. but at the conclusion of the debate.

Is leave granted, honourable senators?

Some Hon. Senators: Agreed.

Senator Lynch-Staunton: Honourable senators, usually the time between the decision to have a vote and the vote itself is determined by the whips. I would not want the time for the ringing of the bells to be confirmed right now. Let us see what happens at the end of the debate. Perhaps we will want a 30-minute bell or perhaps we will want to take the vote right away. Let us not fix a time right now, please.

Senator Hays: That is a variation with which I am totally in agreement.

I should like now to call Order No. 1 under Government Business.

PARLIAMENT OF CANADA ACT MEMBERS OF PARLIAMENT RETIRING ALLOWANCES ACT

BILL TO AMEND—THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Hays, seconded by the Honourable Senator Fairbairn, P.C., for the third reading of Bill C-37, to amend the Parliament of Canada Act and the Members of Parliament Retiring Allowances Act,

And on the motion in amendment of the Honourable Senator Lynch-Staunton, seconded by the Honourable Senator Tkachuk, that the Bill C-37 be not now read a third time but that it be referred back to the Standing Senate Committee on Banking, Trade and Commerce so that the Committee may hear further witnesses on this Bill; and that the Committee report back to the Senate no later than October 2, 2000.

Hon. Peter A. Stollery: Honourable senators, I should like to say a few words about Bill C-37. I have spoken on the subject previously in the chamber and at the committee.

I have a special interest in this subject because I voted for Bill C-83 in 1981, as did everyone else here who was a member of Parliament in 1981. It was passed unanimously in both Houses. Bill C-83 was the bill to amend the Senate and House of Commons Act, the Salaries Act, the Parliamentary Secretaries Act and the Members of Parliament Retiring Allowances Act.

Honourable senators, I should like to remind everyone here of the important issue that is not addressed in this bill, and that is the issue of the formula that establishes salaries for members of Parliament, which expires with this Parliament. I remind everyone that there has been a formula for the last two or three years that raises the salaries of members of Parliament and senators in a modest way, which expires with this Parliament. No new formula has been proposed.

• (1550)

Bill C-83, the bill that was passed in 1981, fascinated me because of the way it was abandoned. One member of Parliament voted against Bill C-83 in 1981, a bill that established a formula for raising members' income because inflation had become a problem. I remember the one member of Parliament who did not vote for it.

Senator Nolin: He is still there!

Senator Stollery: He is not there. He has not been there for many years. In fact, he was retiring then. I asked him, "Why did you vote against the bill? What was your reason?" He said, with great prescience, "Because they will never do it. The formula will be abandoned." He was right. I could not believe it, but he was right. It was abandoned. I think the reason given was that it was part of the fight against the deficit. I am not blaming any particular government, but it was abandoned. The result of the abandonment of the formula has left Canadian members of Parliament in the position of being among the lowest-paid parliamentarians in the world.

Let me read these salaries in Canadian dollars.

In Japan, the figure is \$196,000 a year. In the U.S., it is \$185,000 a year, for congressmen and senators. In the United States, I believe the principle is that no public servant can be paid more than a congressman or a U.S. senator. They are required to raise the salaries; otherwise, they cannot get anyone to work in the public service over a certain level. In France, the figure is \$121,000 a year; in Germany, \$111,000 a year; in England, \$96,000 a year; in Australia, \$80,000 a year; and so it goes. These figures are from 1997, so they are a couple of years out of date. Canada was at \$64,400.

I am not arguing, honourable senators, in favour of some number that members of Parliament should be paid. I have no idea what members of Parliament should be paid. However, what I am arguing for, and what I thought we had settled in 1981, is a formula that would look after this increasing problem, a formula that would treat members of Parliament in a reasonable way. I think that formula should be the result of work done by people whose profession it is to establish salaries, rather than getting former members of Parliament to do this, which I think is unprofessional. I think it should be done by people who are in the position of setting standards for compensation.

Before I sit down, honourable senators, I wish to mention salaries in the Canadian public sector. I think there is a real problem talking someone with a young family into running for Parliament. They have schooling and housing expenses, and all the rest of it. This serious issue must be addressed. At the moment, according to my list, there are 11 categories of GIC — Governor in Council — levels in the Canadian public sector. Members of Parliament would be at the lower end of the third category. Eight categories are paid more than members of Parliament. That does not count the executive level. All five of

the executive levels are paid more than members of Parliament. I remind honourable senators that in the U.S. one of the reasons they have had to deal with their salary issue is because no public servant in the U.S. public service can be paid more than a congressman or a senator.

This issue should have been addressed in this bill in some fashion. I believe it will be a serious issue in the next Parliament because the modest formula that was put in place two or three years ago expires with this election. I hope that the next government will deal with this matter in a professional manner, that they will not get former MPs to do this, but will instead get people whose business it is to come up with figures for compensation. That will be an important benefit to people who are considering a move into elected public service who have, in many cases, small children and families that must be moved around, with all of the expense that entails.

Honourable senators, it is a question of what the people's representatives are worth. Canadians have said that they are not worth much. If we take the industrialized countries, we are at the bottom of the list. I do not think that is good enough, so I have taken the opportunity in this discussion on Bill C-37 to remind honourable senators that someone has to start this conversation or we will have great difficulty persuading people to enter national political life in this country.

Let me talk about time and distance. I am from Toronto and it takes me one hour to fly to Ottawa. I get on a plane on the island, not far from where I live, but think of the hundreds of people who have to leave their families to spend much of their life in airplanes. What happens is that they bring their families to Ottawa because of the difficulty of going back and forth. Then, of course, they get out of touch with their constituents, and it becomes more difficult to get re-elected. I do not think we compensate them properly for that inconvenience. I hope that this issue will be dealt with sooner rather than later.

[Translation]

Hon. Pierre Claude Nolin: Would the honourable senator agree to answer questions on the bill or simply on what he has just said?

[English]

Does my honourable friend want to take questions only on what he said or on the entire bill? I have specific questions but not on what he said. I agree with what he said, but I do have problems with the bill.

Senator Stollery: Honourable senators, if Honourable Senator Nolin has a question about something other than the subject I was discussing, I suggest he address it to either the leader or the deputy leader, who are probably more familiar with the details of the bill.

Senator Kinsella: They don't know anything about it. They're just puppets!

Senator Nolin: I will not ask the honourable senator a question, then, because I agree with what he had said. I understand what he wants, but it is not in the bill. What is in the bill is specific to pensions.

Senator Stollery: Which are related to income.

Senator Nolin: Yes, of course. My questions are in more detail.

Senator Lynch-Staunton: Ask the question.

Senator Nolin: Will someone defend the bill itself?

Hon. Dan Hays (Deputy Leader of the Government): This is out of order. I know my time is up, but perhaps I could suggest to Senator Nolin that if, by chance, the house passes this motion, we will be on Bill C-37 for up to six hours.

Senator Nolin: Are we still on the motion?

Senator Hays: I will be happy to take a question, then, because I will get up and speak.

• (1600)

Senator Nolin: We are on the motion now.

Senator Hays: Are we on the bill?

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): You actually gave leave for a vote at the end. I was so engrossed by Senator Stollery's speech. It occurred to me all the time he was speaking that he was speaking at the wrong time, but he was speaking at the right time.

Senator Nolin: But on the wrong bill!

Senator Hays: I had intended to speak to the amendment proposed by Senator Lynch-Staunton.

Senator Lynch-Staunton: Senator Nolin wishes to ask a question.

Senator Hays: I have 20 minutes now and would be happy to deal with questions.

As a preliminary matter, perhaps I could record a few thoughts in response to Senator Lynch-Staunton's concern.

Senator Kinsella: Is that a question for Senator Stollery?

Senator Hays: No, I do not have a question for Senator Stollery. I only laud his empathy for those in the other place. It may well be that he has people in this place in mind, too.

Senator Nolin: Of course.

Senator Hays: The only reason I can and will give for the bill not going back to committee, apart from those alluded to in speeches, is that we want to have of this matter dealt with. We

could refer it back to committee or we could have Committee of the Whole, but we should be reluctant to do that in this case because the Banking Committee in its wisdom, rightly or wrongly, has dealt with the bill and sent it here. Under Senator Lynch-Staunton's amendment, we would be referring it back to a committee that probably does not want it, for whatever reason.

Senator Lynch-Staunton: So? The tail wags the dog!

Senator Hays: I would be happy to try to answer Senator Nolin's question or a question from any other senator in the remaining time that I have.

[Translation]

Senator Nolin: Honourable senators, my question is rather simple. When we reviewed this bill in committee, Minister Boudria told us that, for one reason or another, some members of the House of Commons are not covered and are not getting the full severance pay that they should be getting when they leave the House of Commons and are under the age of 55.

So far so good. I asked Mr. Boudria who were these members, without actually naming them, and at what time they had been elected. Some were elected in 1988, others in 1993 and 1997.

Senator Hays did not mention any members elected in 1988, only members who have been sitting since 1993. I accept that. However, a member elected in 1988 cannot have problems with the severance pay, since he has been in the House of Commons for more than 10 years. When a member has been sitting in the House of Commons for 10 years or more, he is automatically entitled to at least 50 per cent of his pension. If he has been in the House of Commons for less than 10 years, he is not entitled to that benefit.

Who are the members elected in 1988 who are not entitled to 50 per cent of their pension? I do not understand this from a mathematical point of view. Unless the honourable senator can answer that question, I think we should have this witness come back to explain to us where the problem lies. Where are these members elected in 1988, who are they and why are we unable to solve this problem?

I have no problem with the bill. I am in favour of being as fair as possible, but our role is to ask questions and to look at the purpose of this bill. It is obviously not clear. The honourable senator does not have to name names, but why is it that a member elected in 1988 is not currently entitled to 50 per cent of his accumulated pension? I do not understand.

[English]

Senator Hays: It is a question to me from Senator Nolin. Is that right?

Senator Nolin: It is to you, yes.

Senator Hays: I will have difficulty giving a complete answer.

Senator Lynch-Staunton: Send the bill to committee, then.

Senator Hays: My honourable friend correctly referred to certain qualifiers to receipt of pension benefits: age and years of service. I am not sure what the qualifiers are with respect to entitlement to the severance allowance.

Senator Finestone: Six years.

Senator Hays: I am advised by one of my colleagues that it is six years, which is more than one term.

Senator Nolin: Usually.

Senator Hays: Definitely, in that we have only five years for a government to sit, even with a majority. I am not sure how the members who were elected in 1988 — the beginning of the second term for Mr. Mulroney — are different from other members elected in 1984 or 1993.

Senator Nolin: It is more what they do not have.

Senator Hays: Or what they do not have. However, I am familiar with the issue involving those members elected in 1993. They do not have the same benefits as members elected in other years because of a specific provision brought in with the severance allowance that excluded people who were receiving other benefits. In the case of members elected in 1993, those benefits refer to a small pension accrued from a prior period. Maybe that prior period is the previous election of 1988.

In any event, they have an entitlement. For many of them, it is a small entitlement. Their pension will be triggered in the normal course when they reach the age of eligibility, provided they have the years of service in accordance with an actuarial determination.

Senator Nolin: That is true.

Senator Hays: The inequity that Bill C-37 addresses relates to people who are excluded. In providing for severance, the drafters excluded, for good reason, people who already had an entitlement for benefits, but they did not take into consideration this particular group whose entitlement is very small or is usually relatively small. Essentially, they are excluded for a technical reason. Bill C-37 does not add to the relatively small amount they receive. That is subtracted from the severance allowance. I am trying to explain my understanding of how the bill works with respect to the group of members you have identified.

I am, perhaps, not telling you all you would like to know now, but I have no remedy for that.

Senator Nolin: I have one.

Senator Hays: I know you do, but I cannot agree to that.

Senator Nolin: I understand your explanation. Clause 1 of Bill C-37 deals with the severance allowance. That severance allowance is calculated on the pension. It is one lump sum, say, 50 per cent of your salary. If you have reached that 50 per cent in your pension, then you are all right. However, if you have not

reached that fifty per cent, you are not okay. That is why the allowance is built into Bill C-37, namely, for those who are under the age of 55.

• (1610)

My question is: What about those people elected in 1988 supposedly being covered by Bill C-37? Why?

Senator Hays: It sounds from the question posed by Senator Nolin that they are covered.

Senator Nolin: They have already reached the 50 per cent.

Senator Boudreau: In which case they receive no benefit.

Senator Nolin: Why did the minister say that there were people elected in the 1988 election who would be covered by Bill C-37? That is my question.

Senator Lynch-Staunton: Send the bill to committee!

Senator Hays: I was at the hearing. I do not remember the question and answer as well as the honourable senator recalls it. As a result of the briefing I had, I would hold out that the provisions of Bill C-37 are self-regulating. In other words, it is fairly complex and it involves more than one act, as I recall. In any event, it is a bill which has remedied issues of inequality that have been identified. Henceforth, it will open up the pension plan to all members. As well, it has provisions for members who are not now members to become members of the plan if they so elect. I am holding out to honourable senators that it is fair, and there is no duplication of payment. The main purpose of the legislation is to avoid a hardship on some members who are missing out on an amount that would be received were it not for this technical deficiency in the legislation as it is, which is remedied by Bill C-37.

Senator Nolin: Would it be reasonable for me to assume that some people who were elected in 1988 and who have already left the House of Commons — and I do not know the answer to this question — would be covered by Bill C-37 and receive some type of retroactive payment? That is the question I want to have answered.

Senator Hays: I do not know the answer to that question either.

Senator Lynch-Staunton: And we will vote on this? We do not know what we are voting on.

Senator Hays: I will read the material I have. If there is further debate, I may be able to answer the honourable senator's question before debate is concluded.

Senator Kinsella: Honourable senators, I would have asked this question in committee had I been able to attend. However, I was unable to attend that short meeting of the Banking Committee because we were dealing with Bill C-20 at that time in June.

My question might be of some interest to honourable senators who are in the situation of having served in the House of Commons for many years and who acquired or earned pension benefits there. They come to the Senate and, unlike those who have served in a provincial legislative assembly, they may not draw, if I am correct, on their pension entitlements as a member of the Senate. This bill is about equity. I think that is a great inequity because honourable senators — and I see some around me — who served with distinction in provincial legislative assemblies are not blocked from drawing on their earned pension having served in such an assembly.

What is the answer to that question, Senator Hays, given that I can only ask you? After all, I will not be able to ask the question in committee.

Senator Hays: If I understand the honourable senator correctly, he is referring to the so-called double-dipping issue as it relates to this place.

Senator Kinsella: Is that double-dipping?

Senator Hays: I think it has been expressed as a concern. However, it is a question of the doubling up of entitlements. The government of the day — both as it was elected in 1993 and in 1997 — has not only for parliamentary but also for Order-in-Council appointments made it such that pension benefits are either deferred in the case of members of the House coming here until such time as they retire — and I assume it will work the other way — so that those members who are affected by this are not receiving their superannuation as well as the monies they are entitled to receive for working as senators. It is thought that that is something the people of Canada prefer, and that it is more fair than allowing them to be retired and receiving a pension while they are members of the Senate and receiving compensation as active parliamentarians.

I may have misunderstood the honourable senator's question. However, to the extent that it is an issue, that is the best answer I can give.

Senator Kinsella: It is not fair.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I know that whatever I say will fall on deaf ears, but at least it will be on the record. I believe that today it has been confirmed that whatever we debate, as long as instructions are sent to the leadership on the other side, any opposition or constructive criticism which is brought to government legislation will be hopeless.

I rely on an answer given today by the Leader of the Government in the Senate when he said about Bill C-37, "In any event, the government has indicated that it wishes to have this bill dealt with as quickly as possible."

I have no problems with that. When we were on the government side, we felt the same pressure to have bills dealt with as quickly as possible. However, we never engaged in such

a ram-rod, bulldozing effort as has been made in connection with this bill. There were two days of non-debate in the House of Commons with only the sponsoring minister and his officials appearing in Committee of the Whole. There was no one to contest the contents of the bill or to even question some of its clauses.

Here, as honourable senators will recall, it came to us on the second-to-last day before we adjourned for the summer recess. We passed it at second reading on the assumption — obviously not well founded — that the Banking Committee would, in the tradition of the Senate, take this legislation, as it does other legislation sent to it, just as legislation is sent to other committees, and give it the assessment with witnesses as it deserved. Instead, without warning, there was a meeting of the Banking Committee called on the Thursday, which was the day we left for the summer recess. Only the minister and his officials were called. Actually, the minister himself, if honourable senators read the transcript, happened to be in Saint Jean, was able to get on a plane and get to the committee in time to give his testimony around 11:00 or 11:30, officials having filled in for him up until that time.

The bill was given clause-by-clause consideration and reported to the Senate. When leave was asked for third reading the same day, of course we refused. Again, naively I guess, we assumed that during the summer the Banking Committee would take a week or a few days and have those who had indicated an interest in appearing to discuss the bill an opportunity to do so. That was not done.

We are now under instructions to pass this bill in the same indecent fashion as it was passed in the House of Commons. We are now becoming party to the blatant high-handed way legislation is treated in the House of Commons. Instructions come from the Langevin Block, or the Prime Minister's Office, or both as the case may be, to the majority caucus: We want this done by a certain day. Do it.

This is what we heard from the Leader of the Government himself — The government wants this bill. Pass it. Honourable senators, we will have Royal Assent today on this one bill, and this one bill alone. That has never been done before. It is a bill of secondary importance, of no benefit at all to the Canadian people. It is not a bill of urgency. It is not a bill of great national interest. In crude terms, it is a self-serving bill for a limited number of people who, quite rightly, I will agree, have felt that without this bill they will be financially penalized.

● (1620)

I have never objected to the content of the bill. I sympathize with elected people who give up so much to come here. I feel that they should be well rewarded while they are here and well compensated when they leave here. If, as happens too often, they are defeated, then they should be entitled to a severance payment to allow them to adjust back into the life they sacrificed for their country.

I have no objection to that whatsoever. I do object, though, to ramming this bill through as though we have something to hide, as if there were something in this bill of which we are ashamed. It is as if we were embarrassed to say that elected members are entitled to adequate compensation, adequate severance, adequate pension. If they are not so entitled, we will not attract the people we should attract to the House of Commons.

We should be proud of what we are doing for these people. We should confirm the benefits found in this bill only after allowing its opponents and questioners to come before the Houses of Parliament to explain their problems with it and to suggest their improvements. In that way, all sides can decide, in the end, on an acceptable final product.

Instead, we are acting in a way that casts a shadow on this bill. We are not helping our elected friends by doing this. I stand to be corrected but, as far as I know, only the Canadian Taxpayers' Federation has formally indicated an interest in coming before a committee. We know they are opposed to the bill. So what? If they are opposed to pensions, if they are opposed to adequate compensation, and if they support the idea that an elected member should only get the minimum, so be it. We disagree, but let them have their say. They have a right to be heard and to be answered.

Hon. Lowell Murray: Let them describe some of the parachutes that exist in the private sector.

Senator Lynch-Staunton: Exactly. Thank you, Senator Murray. Senator Stollery earlier compared the parliamentary salaries here with legislatures elsewhere. Let us compare hours of work by elected members with hours of work in the private sector. Let us compare stock options and merger rewards and pension benefits and expense allowances and sky boxes and whatever else. We have nothing to be ashamed of here in how we give the basic allotments to our elected and appointed representatives.

That is why I am distressed. We are ramming this bill through. It will be interpreted that the minister, the only witness, is forcing the bill through because there is something in it that is wrong or excessive or that we do not want brought out into the open. That is wrong.

I sympathize with the Deputy Leader of the Government who could not answer certain key questions from Senator Nolin. Why should he? How can he? It is up to officials and other witnesses to do that.

There you are, on the other side, blindly following instructions to accept a proposal which may be beneficial but which has not been examined in a way that makes us all feel comfortable. The bill has been pushed through the House. It has been pushed through the Senate. Can you imagine that the one bill to be given Royal Assent is a bill which will be interpreted as protecting and increasing the financial interests of elected members? That is a

false interpretation, but it is the interpretation that will be taken because of the way the bill has been handled.

We are asking for a simple amendment. Let the committee meet next week. Let it hear from the Canadian Taxpayers' Federation and anyone else. Let the committee report. We will have a vote. At least we will have given the bill serious consideration. As it is, the government does not want that. The government feels the bill should not be subject to public debate, so it is giving the impression it has something to hide. I find that insulting to those who are rightfully entitled to adequate compensation.

Senator Kinsella: No leadership.

The Hon. the Speaker *pro tempore*: Are honourable senators ready for the question?

Some Hon. Senators: Agreed.

The Hon. the Speaker *pro tempore*: The motion before us, honourable senators, is a motion in amendment.

It was moved by the Honourable Senator Lynch-Staunton, seconded by the Honourable Senator Tkachuk:

That Bill C-37 be not now read a third time, but that it be referred back to the Standing Senate Committee on Banking, Trade and Commerce so that the committee may hear further witnesses on this Bill; and that the Committee report back to the Senate no later than October 2, 2000.

Is it your pleasure, honourable senators, to adopt the motion in amendment?

Some Hon. Senators: No.

Some Hon. Senators: Yes.

The Hon. the Speaker *pro tempore*: Will those honourable senators in favour of the motion in amendment please say "yea"?

Some Hon. Senators: Yea.

The Hon. the Speaker *pro tempore*: Will those honourable senators opposed to the motion in amendment please say "nay"?

Some Hon. Senators: Nay.

The Hon. the Speaker *pro tempore*: In my opinion the "nays" have it.

And two honourable senators having risen.

The Hon. the Speaker *pro tempore*: Honourable senators, the whips have agreed to a 20-minute bell. The vote will take place at 4:45 p.m.

Call in the senators.

• (1640)

The Hon. the Speaker *pro tempore*: The question before us is the motion in amendment of the Honourable Senator Lynch-Staunton, seconded by the Honourable Senator Tkachuk.

Motion in amendment negated on the following division:

YEAS

THE HONOURABLE SENATORS

Andreychuk	LeBreton
Atkins	Lynch-Staunton
Cochrane	Murray
DeWare	Nolin
Gustafson	Prud'homme
Keon	Simard—13
Kinsella	

NAYS

THE HONOURABLE SENATORS

Adams	Kennedy
Bacon	Kenny
Banks	Kroft
Callbeck	Maheu
Chalifoux	Mahovlich
Christensen	Mercier
Corbin	Moore
Cordy	Pearson
Fairbairn	Pépin
Ferretti Barth	Poulin
Finestone	Robichaud
Finnerty	(<i>L'Acadie-Acadia</i>)
Fraser	Roche
Furey	Setlakwe
Gauthier	Sibbeston
Graham	Squires
Hays	Stollery
Hervieux-Payette	Taylor
Joyal	Wiebe—37

ABSTENTIONS

THE HONOURABLE SENATORS

Nil

The Hon. the Speaker *pro tempore*: Are honourable senators ready for the question?

It was moved by the Honourable Senator Hays, seconded by the Senator Fairbairn, that Bill C-37 be read the third time now.

Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: No.

Some Hon. Senators: Yes.

The Hon. the Speaker *pro tempore*: On division?

Senator Lynch-Staunton: No, call the voice vote.

The Hon. the Speaker *pro tempore*: Will those honourable senators in favour of the motion please say "yea"?

Some Hon. Senators: Yea.

The Hon. the Speaker *pro tempore*: Will those honourable senators opposed to the motion please say "nay"?

Some Hon. Senators: Nay.

The Hon. the Speaker *pro tempore*: In my opinion, the "yeas" have it. On division.

Senator Lynch-Staunton: Wait a minute. Hold on.

The Hon. the Speaker *pro tempore*: I did not see two senators rising. I said "on division."

Motion agreed to and bill read third time and passed, on division.

[Translation]

• (1650)

ROYAL ASSENT

NOTICE

The Hon. the Speaker *pro tempore* informed the Senate that the following communication had been received.

RIDEAU HALL

September 21, 2000

Sir,

I have the honour to inform you that the Honourable Charles Gonthier, Puisne Judge of the Supreme Court of Canada, in his capacity as Deputy Governor General, will proceed to the Senate Chamber today, the 21st day of September, 2000, at 6:00 p.m., for the purpose of giving Royal Assent to a certain bill.

Yours sincerely,

Barbara Uteck
Secretary to the Governor General

The Honourable
The Speaker of the Senate
Ottawa

[English]

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): As a matter of information, could this honourable house be advised as to the time of that message from Her Excellency?

Hon. John Lynch-Staunton (Leader of the Opposition): What time did we get the message?

Senator Kinsella: Could the house be advised of the time at which this house received that message?

Senator Lynch-Staunton: How did it get here so quickly?

Senator Robichaud: E-mail.

The Hon. the Speaker *pro tempore*: Honourable senators, I must explain to the house that in the normal procedure letters are sent, and when the bill is adopted the time is put on the letter. That is the normal procedure. That is the way it has always been done.

TOBACCO YOUTH PROTECTION BILL

THIRD READING—DEBATE ADJOURNED

Hon. Colin Kenny moved the third reading of Bill S-20, to enable and assist the Canadian tobacco industry in attaining its objective of preventing the use of tobacco products by young persons in Canada.

He said: Honourable senators, I rise to commence third reading debate on Bill S-20, the Tobacco Youth Protection Act. First, I would like to thank many of my colleagues who I see here. In particular, I would thank my co-sponsor, Senator Nolin, for all of his assistance in moving this project forward.

One thing that becomes apparent to when you sponsor a private member's bill is how little you can accomplish by yourself and how much you need the help of colleagues and associates, in this case from both sides of the chamber, to move that bill forward. I have been fortunate in that respect, with Senator Spivak chairing the committee. Senator Spivak has gone out of her way to accommodate the bill, as have all of the members of the committee.

Honourable senators, it has been quite an experience. We encountered expert witnesses from across the country and from the United States. I believe I speak for members of the committee when I say that we were astonished and surprised at some of the testimony that we heard. We were quite taken by the nature of the problem that currently exists in Canada. We heard testimony to the effect that youth smoking in Canada continues at

a rate of 30 per cent — almost one child in three. We heard testimony to the effect that the number of deaths in Canada in the past year that are attributable to smoking-related diseases had risen from 40,000 a year to 45,000 a year. We heard testimony to the effect that the age at which 80 per cent of smokers started in Canada has dropped in the past year from 18 down to 16. In fact, we heard that most smokers were starting at the ages of 10, 11 and 12.

This 30 per cent youth smoking rate in Canada must be contrasted to the rate in the United States. The United States has similar aggregate figures. In those states that have put in place comprehensive tobacco control programs, there have been some remarkable results. Formerly, I would have described California to this chamber by saying that we have a 29-plus per cent youth smoking rate and they have an 11 per cent youth smoking rate. However, just in the past month Governor Davis of California issued a news release announcing that their 11 per cent youth smoking rate in 1998 had dropped to 6.9 per cent in 1999. That is a 35 per cent reduction in California in one year, and it is attributable to the quality of the program that they have in California.

Honourable senators, the principle reason for embarking on this whole exercise is that I cannot understand why we do not have the same sort of results in Canada as are being seen in the United States. We have some special problems, and some unique problems. I am aware that those members of this chamber who are from First Nations know first-hand that they have huge problems. Approximately 60 per cent of Inuit or Indian children smoke. California has studied native populations, and they are addressing those smoking rates. They have had a success rate that I and everyone in this chamber would like to see, duplicated in Canada.

Here is the issue as it appears to me: We have a government that has brought in some relatively progressive anti-smoking legislation, it has introduced some interesting regulations, and it, eventually, brought forward legislation that prohibits promotion. We do not have advertising of tobacco products in this country. We have new packaging proposals that are working their way through the courts. However, we have one major gap. The major gap is that there is inadequate funding for tobacco control in Canada.

We currently spend \$20 million a year on tobacco control. That works out to 66 cents per capita. In Vermont they spend \$22 U.S. per capita. In Mississippi, of all places, they spend \$18.95 per capita. In Massachusetts, they spend \$14.50 per capita — and we spend 66 cents? With 45,000 Canadians dying each year, with 30 per cent of our kids smoking, all we can spare is 66 cents?

• (1700)

Honourable senators, this is unacceptable and it must stop. It is time for us to take steps to do something about this problem — and the time is now.

Since we introduced Bill S-13, new information has come to our attention. The Centers for Disease Control in Atlanta came forward with a report in August of 1999. The Atlanta centre is renowned throughout the world and respected everywhere in North America as being a reputable public health agency. After studying all 50 states for their tobacco control programs, they came forward with a template that laid out nine elements of any comprehensive tobacco control program.

As an aside, when approaching questions of tobacco control, it is critical not just to go at it from one direction. We cannot say, "Well, let's buy a few ads or put a local program in place or let's have a quick line." We must approach the problem from a multitude of directions simultaneously. Adolescents are very complex and very difficult to motivate. They do not make up their minds about what they will do based on one intervention. They make up their minds based on a multitude of interventions. Therefore, a comprehensive tobacco control program should put in place multiple interventions coordinated to relate one to the other so that a television campaign, for example, relates to a program that is are happening in the boys' and girls' clubs or in the schools or in communities. If these are then tied together, we will start to see the same results we see in Massachusetts or California.

In August of 1999, the Centers for Disease Control came forward with a template that outlined ranges of spending. For jurisdictions the size of Canada, it suggested that we should be spending, in Canadian dollars, somewhere between \$9 and \$22. For the purposes of this bill, we picked \$12, which is in the bottom quartile of the amounts suggested by the Atlanta centre. This is not a gold-plated program. There are no bells and whistles attached to it. This is a modest, reasonable level. We are in the bottom quartile of what the Atlanta centre suggests we spend.

The levy in this bill is three-quarters of one cent per cigarette. That works out to 19 cents per pack or \$1.50 per carton. That will generate \$360 million a year, which works out to \$12 per capita, the bottom quartile of what the Centers for Disease Control recommends — and we are spending 66 cents right now. That is wrong. It is absolutely wrong.

I should like to remind honourable senators of some of the interesting features of this bill. First, it has transparency. All of the decisions are made in public and all of the grants are announced publicly. California has transparency. They also have evaluation, and this bill has a 10 per cent set-aside for evaluation. This means that for every \$100 that is given out in a grant, \$10 is set aside to evaluate whether the program works.

The bill is outcomes-oriented. You must say what your programs will achieve before you are allowed to bring them forward. In California, the evaluation program and the evaluator must be selected before the program is approved. The same requirement exists in this bill. With this bill, we will have a chance to see whether the programs are working because there will be benchmarks and progress reports.

It is fascinating to go to Sacramento where they run the California program. Dr. Dileep Bal has a bookshelf about 12 feet wide in his office. He is quite proud of it. He says, "Take a look at this bookshelf." You look at it and he says, "Those are our failures, the ones we tried but which did not work." Then you look at the shelf below and it is much narrower — maybe three feet wide. He says, "These are our successes," and then he adds, "but we would not have had the successes if we had not had these failures first."

Californians have a very mature approach to this problem. We have a particular difficulty here in Canada when we run programs out of departments — and it does not matter whether the programs are Liberal or Conservative, federal or provincial. Every department in government has to be run perfectly. We know they are not. It is a bizarre situation. Public servants are paid to puff up good programs and dampen down bad programs. In a Westminster system, critics are paid to attack ministers and ministers defend to the last breath what is going on in their departments.

Tobacco control should not be politicized. There will be failures. We need to be mature and accept the fact that none of us has a good understanding of how adolescents function, so programs like this will have their share of failures, but we should accept them. How can we do that through a department? I do not believe we can. That is why the bill calls for moving this program into an arm's-length agency, very much like the Canadian Institutes of Health Research. In fact, we borrowed the exact wording on governance from the bill relating to that agency and put it into this bill. If the wording was good enough for the government to use for that agency, it will work well in this agency.

By keeping the agency at arm's length, we hope to depoliticize the process. It makes absolutely no sense that the Minister of Health should have to stand up every day in the House of Commons and defend medical research, whether it is a success or a failure. That is the importance of the arm's-length agency. It is important that people understand that concept and are prepared to defend it.

After travelling through the United States, honourable senators, I discovered that in every state that had a government program, the legislature or the governor had interfered with the program in one way or another. In some cases, they had cut off the funding. That happened in California, and the California Cancer Society had to sue the Governor of the State of California to have the funds restored. During the period of time that the funds were being diverted, youth smoking rates started to go back up, and when the funds were restored as a result of the lawsuit, youth smoking rates went down again.

• (1710)

In Massachusetts, the governor decided to censor the ads. What does a governor know about censoring a health ad?

Why should a politician be calling the shots on how to motivate adolescents? These are health questions. It is important that this question should be at arm's length from government.

I am sure you have all heard the concern about a tax or a levy. We have worked diligently on this question. Honourable senators, I would draw your attention to the preamble of the bill as well as to Part III. These additions were taken from the old Bill S-13. They were inserted precisely to satisfy the Speaker in the other place. We examined his ruling very carefully. Those adjustments were made to get this bill past the Speaker in the other place, and I make no apologies for that. I want this bill to work.

The Speaker in this place ruled that the bill was in order last time, and it was. However, the Speaker in the other place did not share that point of view. To be practical, we have taken into account his concerns.

I believe that this bill is procedurally sound. I would go a step further. If by some chance it turns out not to be procedurally sound, the government has the capacity to cure that, if it chooses to do so. It is a question of political will. If there is a procedural problem in the other place, then we will see whether the government has the political will to pass this bill.

The question of dedicated taxes comes up from time to time. Ministers of finance — and I notice that we have Senator Boudreau here, a former treasurer — are very concerned about dedicated taxes. Such taxes do not allow much elbow room. They have little flexibility. They must have some flexibility if they are to do their job, and I understand that. As a general rule, we do not want to have many dedicated taxes.

Having said that, there are several matters things that are worth considering about in this particular case.

First, tobacco is a singularity. If you tried introduce it into the market today, you would be unable to do it because it would not get past Health Canada. The sale of tobacco products would not be allowed. However, we have been living with it since the days of Sir Walter Raleigh; it is a reality. We know we cannot ban it. If we did, we would be stuck with a Roaring 20s prohibition atmosphere.

We know that the solution lies in comprehensive education programs. A problem that has been facing the health community now for decades is spiked funding. One of the difficulties of taxing for this sort of program is that there is absolutely no certainty from year to year whether the funding will be available. If I were a member of the other place, I would have chosen a levy over a tax because, with taxes go from the taxpayer to the Consolidated Revenue Fund. It then gets voted out, and the people running the programs never know until the start of the fiscal year whether they will have the money to continue to run their programs. They need stable funding over a period of time to

plan properly for the work that they do. That is essential to the functioning of this program. It is absolutely fundamental.

Second, because this is a singularity, because tobacco is unlike any other product, there are people who worry and say, "If we have a program like this, what will be next? Who else will bring in a levy? How can we afford to have every Tom, Dick and Harry coming forward with a levy?" The reality is that there is no other problem of the same order of magnitude facing Canadians as tobacco-related diseases. Forty-five thousand Canadians die each year from tobacco-related diseases. The next closest cause of preventable death is car accidents, including drunk driving, and that kills about 4,000 Canadians a year. Honourable senators, compare 45,000 to 4,000. There is nothing else in the same league. HIV, which we hear about all the time and realize is a very serious problem, caused about 870 fatalities last year.

We must address this issue. We must provide stable funding which will continue into the future.

I am not giving away any secrets. The committee met in my office at eight o'clock on the morning the tobacco companies were to appear. We rehearsed how we would to handle the questions. We went through a process of allocating questions. We wanted to do a good job. We wanted the Senate to shine. This was the first time that we had managed to get tobacco CEOs to appear before Parliament in over a decade. The proceedings were going to be televised, and we wanted to be sure we did things right.

No one in the room expected these people to support the bill. Nobody's jaw dropped further or faster than mine when Mr. Bexon said he was going to support the bill.

If we are worried about dedicated taxes, I would point out that we will not have a tax, we will have a levy. If we are worried about dedicated funding, I would say that we have the funding. Eighty per cent of the tobacco market is running ads in newspapers, not every day but twice a week, and will continue to do so for a few more weeks, stating that they are prepared to pay for it. My estimate is that it will be \$360 million a year in perpetuity. They are estimating it to be \$400 million a year. I will not quibble.

How can the government turn its back on tobacco companies that are prepared to write a cheque for \$360 to \$400 million a year in perpetuity to help us solve a problem that is afflicting one-third of our children, by saying it is a dedicated tax? This is not a dedicated tax. It is a gift. These companies are offering the money and there are no strings. They came forward and said, "We have a few ideas we would like you to consider." The committee said, "No, it is not going to happen. There will be no seat on the board, no adjustments to the bill." They were never consulted on the bill at all. They never saw a copy of the bill until it was tabled here. They were not part of the deal at all. It was taken as we wrote it. Frankly, we were all quite prepared to hold our own during that committee hearing. They surprised us.

To have a levy for industry purposes, one need not have those who are being levied agree with it. If you go back to the amendment to the Copyright Act, 1996, the same Prime Minister and the same Minister of Finance introduced a levy in that regard. There was no ways and means motion attached to it. That levy exists today. If you buy a blank tape, you pay an extra 26 cents. You pay an extra 60 cents on a CD. The money is to go to Céline Dion or Shania Twain or writers of the music.

We have other precedents. We have an oil spill levy. There was no ways and means motion attached to that. These levies exist. The bill is not here as a singularity; levies exist.

With regard to the blank tape levy, the manufacturers appeared before the Commons and the Senate and objected. None of them wanted it. It was passed anyway. They do not have to want it.

In this case, however, we have got ads running twice a week in our local papers telling us that the tobacco companies want this, and they are prepared to pay for it. I do not know why. I am suspicious. I do not trust what is going on. I think we have both reason not to trust and reason to be suspicious. Let us take the cheque but keep an eye these people. They have no control. They do not have a seat on the board. They asked for one but we said no. The committee said "Not on this board." We actually said more than that. We said: "You people came and testified before us before and you said that if you had any control over the foundation it would have no credibility." Far be it from us to give any credibility to these people.

• (1720)

We are proposing a foundation that is truly at arm's length and one with which the tobacco companies have only one relationship, and that is to send a cheque once a month. If they do not send a cheque, they go to jail. It is in the bill.

I would ask honourable senators to consider this bill seriously. We have a crisis on our hands. We are wasting Canadian youth. We see a solution south of the border that works. We have found a formula that provides the right amount of money, and does it in a vehicle that is transparent and that allows for evaluation so we can separate the successes from the failures in order that we do not repeat the failures again and again. It is important that it be at arm's length. The subject of dedicated tax is important as a theory but this case may be the exception that proves the rule. If we seize this occasion now, in three years from now we can achieve the results we are seeing in Massachusetts, in Florida and in California. I believe we will see results very quickly.

If the Minister of Finance is concerned about a dedicated tax, he can take comfort in this bill because it provides for a full parliamentary review five years from now. Surely he can hold his breath five years. Five years from now, if Parliament does not like this foundation, during its automatic review, it can change it, adjust it, or do whatever it wants to do. Surely it is worth a five-year run to see if the health community can bring the miracle of California to Canada and to give our kids the same chance that kids in California have.

On motion of Senator Nolin, debate adjourned.

THE BUDGET 2000

STATEMENT OF MINISTER OF FINANCE—
INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Lynch-Staunton calling the attention of the Senate to the Budget presented by the Minister of Finance in the House of Commons on February 28, 2000.—(*Honourable Senator De Ware*).

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I will just be a couple of moments on Order No. 17. When the debate concluded on this item, I had spoken and a number of honourable senators had posed questions, including Senator Murray, who had asked me a question that required some research. I believe I have sufficient time left within my allotted time to answer those questions Senator Murray raised and I will do that now.

He raised two questions. The first concerned the regulation of fuel prices in Prince Edward Island. Honourable senators, I can confirm that these are regulated under the province's Petroleum Products Act and have been for several years. The Government of Prince Edward Island regulates all aspects of the petroleum industry to provide assurance of product quality and to ensure that there is a reasonable network of outlets and reliability of supply. This includes the regulation of prices at both the wholesale and retail levels. Retail prices are set by an independent commission once a month, providing minimum and maximum prices that may be charged, not just by product type, but by retailers. For example, Petro-Canada stations may not charge less than 73.3 cents a litre for regular unleaded fuel and not more than 74.9 cents, while the price range for Ultramar is 72.3 to 73.9 cents. Those prices are based on a dealer markup of 4 to 5.5 cents per litre for self-serve gas and 5 to 6.5 cents for full service. Heating oil is also regulated.

Honourable senators, I was recently told by someone who visited the Maritimes last summer that he had tanked up just before going on the Confederation Bridge on the assumption that fuel prices in Prince Edward Island would be higher than in New Brunswick and was surprised to find that they were about a dime per litre less. I would point out, however, that opinions vary on whether the maximum price has kept fuel costs down or whether the minimum price has kept prices from falling.

Senator Murray's second question concerned fuel taxes between 1980 and 1984. The first Joe Clark government was defeated on a budget proposal to increase the excise tax on gasoline by 18 cents a gallon, which works out to about 4 cents a litre. Mr. Trudeau promised Canadians, in his speech given on February 12, 1980, that "The Liberal price hike will be less than half of what the Tories planned to inflict upon you."

Honourable senators, our former colleague Senator MacEachen, at the time running for re-election to the House of Commons, ran an ad in his local paper declaring "Vote Liberal and the price will stay down." I commend that to the honourable senator who is now Leader of the Government and thinking about things in Nova Scotia.

What happened? Well, Mr. MacEachen became Minister of Finance and in his very first budget brought us the National Energy Program with its huge energy tax hikes. This included an alphabet soup of new and expanded taxes hidden so deep in the price that it was hard to tell with certainty the exact impact at the pump.

For example, the government introduced the PGRT, Petroleum and Gas Revenue Tax, levied on all oil and gas production. The rate of this tax bounced around between 12 and 14.7 per cent and was charged long before the product hit the refinery. Then there was the IORT, otherwise known as the Incremental Oil Revenue Tax, which at various points ranged from nil to \$3.75 per barrel. Then, honourable senators, there was the COC, the Canadian Ownership Charge, which was brought in to pay first for Petro-Canada's purchase of Petrofina, and then to bail out Dome petroleum. This ranged between \$1.14 to \$4 per barrel at various points in time. Finally, there was the PCC, better known as the Petroleum Compensation Charge, which at first had been set at \$1 a barrel in 1978 to help pay for the Syncrude project. This was increased first to \$1.75 a barrel in the summer of 1980, was re-christened as the Syncrude levy, and then hit \$8.15 a barrel before dropping back down.

• (1730)

The end result is that energy taxes were a major factor in gasoline price hikes between the 1980 and 1984 elections. They ranged from 76 cents per gallon in Regina, to 90 cents per gallon from Toronto, to \$1.27 per gallon in Charlottetown. I might add that those price increases occurred without the benefit of the Crosbie budget's proposed energy tax credits. These credits were intended to offset the effect of higher energy costs on low- and modest-income families and would have provided \$220 per year for a typical low- or modest-income family by 1984.

I trust that my honourable colleague will find this information informative.

Order stands.

NATIONAL DEFENCE

NEED TO JOIN WITH UNITED STATES IN MISSILE DEFENCE PROGRAM—INQUIRY

On the Order:

Resuming debate on the inquiry of the Honourable Senator Forrestall calling the attention of the Senate to the need for Canada to join the United States in National Missile Defence.—(Honourable Senator Taylor).

Hon. Nicholas W. Taylor: Honourable senators, once again it falls to me to provide the meat in the sandwich between 5:30 and 6 p.m. when the Crown shows up.

I regret that Senator Forrestall is not here. His inquiry calls the attention of the Senate to the need for Canada to join the U.S. in the National Missile Defence Plan. Because of the upcoming election in the U.S., the National Missile Defence Plan is on hold. It would have been better to call it an "international" plan because it would use stations in Canada, England, as well as possibly in the mid-Pacific.

The idea of the National Missile Defence program was to have a warhead that would intercept warheads that were coming in to attack the U.S. The argument was that rogue nations could send a bomb, possibly an atomic bomb, into the U.S. or North America. I suppose there are good reasons on that side because, as most people would be surprised to know, 38 countries in the world now have the capability of delivering a bomb partway around the world. Another way of looking at it is to consider that at least 38 countries have missiles. Many more countries have had bombers for over half a century. That did not mean that they would suddenly bomb someone they did not like.

The U.S. is asking us to join the National Missile Defence program. Senator Forrestall, who I think is speaking for the Conservative Party, feels that we should join it. I know for sure that the Alliance Party feels we should join it. However, there are three questions one should ask oneself before joining something like this. We must bear in mind that once this occurs the Russians, and other countries with whom we have signed nuclear disarmament contracts, will no longer have any reason to honour such contracts. In effect, we would be breaking our treaty with Russia by going ahead with these defence missiles.

There is not much question that over the last 15 years nuclear disarmament has progressed. The U.S. and the Russians are now down to about 10,000 bombs each, which is about one-half of what they had 15 years ago. Thus, we are moving in the right direction. However, when one stops to think about it, there are still 10,000 warheads available to both sides of this so-called issue. I suppose we can say that the Russians and the Americans are on different sides, although I am not sure that is any longer the case. The point is that these bombs are controlled by humans. God is not running this machinery. Things could go haywire. Therefore, we should continue to disarm and move to keep smaller and smaller amounts of them on hand.

The antiballistic missile treaty among the U.S., Russia, China and India was set up in 1972. For 30 years we have been reducing, or trying to reduce, nuclear arms. Of course, this plan would reverse that whole process. Russia, along with China, is worried that a system such as this is nothing more than a move by the U.S. military to control space. Whether we want one person having armed control of space is something that must be considered. I think many people would rather see nuclear disarmament continue rather than expand a new system, as this plan would do.

The second problem is the feasibility of one missile intercepting another missile. The argument we often hear from the U.S. is that there are rogue nations around the world, such as Korea, Iraq and maybe even Iran and Cuba. The logic behind that argument is: Why would a rogue nation fire on the U.S.? With the system of defence we have now, we can detect when a rocket or missile is fired anywhere in the world. We can even immediately trace someone with half a carload of dynamite. Therefore, if you are a rogue nation, or just a plain rogue, and you want to fire a shot, you would have to have something loose in your head if you did it from your home. You would do it somewhere offshore. Perhaps you would even smuggle the missile into the U.S. Therefore, rogue missiles are not likely to come from a rogue nation. Seconds after it would be fired, all 10,000 missiles sitting in the U.S. would point back to that nation and it would be wiped out overnight. Therefore, the whole feasibility argument of handling these things in space does not make sense.

The last reason I want to present has to do with our relationship with the U.S. In 1958 we signed the NORAD agreement.

• (1740)

These nuclear arms would probably be placed under NORAD so that the Canadian military, which I think are in favour of this, would be one of the fingers on the trigger.

Consequently, the U.S. has every reason to argue that our refusal to join them would be an unfriendly act. For instance, the Deputy Commander of U.S. Space, General Brown, says that, if Canada does not join, the U.S. will feel no obligation to defend Canada.

That remark is somewhat gratuitous because I do not think they ever did intend to defend Canada. The defence of Canada just comes as a natural adjunct to defending themselves. I do not think the U.S. will risk anything to defend Canada for Canada's sake. They may defend Canada because it is a gateway to their own country, but rogue attacks will not likely be hitting Canada unless they come at Grey Cup time in an attempt to influence the betting on the east-west game.

The fact is that rogue attacks will probably be focused on the U.S., rather than on Canada. That is no reason to leave our American friend hanging loose. I am not saying we should be forced to pull out of NORAD. We would need to think that through. NORAD was put together in 1958, not quite a half-century ago. Leaving would not be that catastrophic. The reasons for creating NORAD have gone. Although our military might miss the opportunity of going down to Colorado Springs to work with the Americans, in my opinion, membership is not critical.

To recapitulate, there are three reasons why Canada should not join the U.S. missile defence program. First, as I mentioned, nuclear disarming throws that out the window. We have been making very good progress in that regard. Almost everyone agrees that the fewer nuclear missiles and bombs there are lying

around, the better the world will be. In complete reverse, Russia said they would consider this program to be breaking the nuclear disarmament agreement, and I think they are right.

I have no love for NATO as honourable senators in this house know. I attacked NATO quite bitterly. I believe I was the only member of the government to do so. Our new leader, Senator Boudreau, became acquainted with me as soon as he moved here because I was fulminating, raising hell, about NATO bombing in Yugoslavia. I have no love of NATO, and I must say that a number of NATO countries do not want this missile defence system to go ahead. They see it as multiplying nuclear dangers.

The second reason is feasibility for technical reasons. The system has been tested three times and it has been three times a flop. It reminds me of *L'il Abner* and some of the rockets those characters put together. So far the system does not even work. The Tories and the Alliance are rushing up to say we should participate in a system which cannot hit the side of a barn.

The last reason is our relationship with the U.S. It is always embarrassing when one is living, as former prime minister Trudeau said, next to an elephant and yet refusing to go and hunt with the elephant every day. One always feels the elephant may get a little angry if one is not cooperating. This is one time when it is valid to refuse to join the elephant.

In closing, I will read a paragraph from an article by Lawyers for Social Responsibility, a national organization — and, no, it is not an oxymoron. Yes, Virginia, there are lawyers for social responsibility. Their conclusions and recommendations are some of the best I have seen.

Canada's support is being sought for this program due to Canada's perceived high reputation in the world. But the Canadian government should not allow itself to be used by the Americans for such a boldly illegal, expensive and militaristic activity. NMD —

That stands for nuclear missile defence.

— imperils arms control achievements to date and will shatter hopes of further reductions. The overall Global Protection System, through its global collection of data but its extremely limited sharing of data collected, will build an international atmosphere of paranoia and distrust.

These systems contradict Canada's work to date in building an international legal framework, in striving for good relations with all states internationally and in working for reductions in nuclear arms. We need to call for an international system which builds reassurance and global political and economic ties. The solution lies in building trust through diplomatic negotiations and aid, not through a technological fix.

Canada, as a good neighbour, should now call upon the U.S. to abide by international law and cease work on this program.

Honourable senators, all I can say is "amen."

The Hon. the Speaker *pro tempore*: As no other senator wishes to participate in the debate, this inquiry is considered debated.

BUSINESS OF THE SENATE

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I ask leave at this time to suspend the sitting until 5:55 p.m., at which time the bells will ring for five minutes to call senators to the chamber for the Royal Assent at six o'clock.

The Hon. the Speaker *pro tempore*: Is leave granted to suspend the sitting for five minutes?

Hon. Senators: Agreed.

Senator Hays: I will deal with the adjournment motion properly after the Royal Assent.

The Senate adjourned during pleasure.

[Translation]

• (1810)

ROYAL ASSENT

The Honourable Charles Gonthier, Puisne judge of the Supreme Court of Canada, in his capacity as Deputy Governor General, having come and being seated at the foot of the Throne, and the House of Commons having been summoned, and being come with their Acting Speaker, the Honourable the Speaker *pro tempore* of the Senate said:

I have the honour to inform you that Her Excellency the Governor General has been pleased to cause Letters Patent to be issued under her Sign Manual and Signet constituting the Honourable Charles Gonthier, Puisne Judge of the Supreme Court of Canada, her Deputy, to do in Her

Excellency's name all acts on his part necessary to be done during Her Excellency's pleasure.

The Commission was read by a Clerk at the Table.

The Honourable the Deputy Governor General was pleased to give the Royal Assent to the following bill:

An Act to amend the Parliament of Canada Act and the Members of Parliament Retiring Allowances Act (*Bill C-37, Chapter 27, 2000*)

The House of Commons withdrew.

The Honourable the Deputy Governor General was pleased to retire.

The sitting of the Senate was resumed.

[English]

• (1820)

ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, October 3, 2000, at 2 p.m.

Motion agreed to.

The Senate adjourned until Tuesday, October 3, 2000, at 2 p.m.

THE SENATE OF CANADA
PROGRESS OF LEGISLATION
 (2nd Session, 36th Parliament)
Thursday, September 21, 2000

GOVERNMENT BILLS
(SENATE)

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
S-3	An Act to implement an agreement, conventions and protocols between Canada and Kyrgyzstan, Lebanon, Algeria, Bulgaria, Portugal, Uzbekistan, Jordan, Japan and Luxembourg for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income	99/11/02	99/11/24	Banking, Trade and Commerce	99/12/07	0	99/12/16	00/06/29	11/00
S-10	An Act to amend the National Defence Act, the DNA Identification Act and the Criminal Code	99/11/04	99/11/18	Legal and Constitutional Affairs	99/12/16	2	00/02/09	00/06/29	10/00
S-17	An Act respecting marine liability, and to validate certain by-laws and regulations	00/03/02	00/04/04	Transport and Communications	00/05/09	2	00/05/17		
S-18	An Act to amend the National Defence Act (non-deployment of persons under the age of eighteen years to theatres of hostilities)	00/03/21	00/04/04	Foreign Affairs	00/05/04	0	00/05/16	00/06/29	13/00
S-19	An Act to amend the Canada Business Corporations Act and the Canada Cooperatives Act and to amend other Acts in consequence	00/03/21	00/04/06	Banking, Trade and Commerce					
S-22	A First Act to harmonize federal law with the civil law of the Province of Quebec and to amend certain Acts in order to ensure that each language version takes into account the common law and the civil law	00/05/11	00/05/18	Legal and Constitutional Affairs					
S-25	An Act to amend the Defence Production Act	00/06/14	00/09/21	Banking, Trade and Commerce					
S-26	An Act to repeal An Act to incorporate the Western Canada Telephone Company	00/06/15	00/06/28	Transport and Communications	00/09/21	0			

GOVERNMENT BILLS
(HOUSE OF COMMONS)

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
C-2	An Act respecting the election of members to the House of Commons, repealing other Acts relating to elections and making consequential amendments to other Acts	00/02/29	00/03/28	Legal and Constitutional Affairs	00/04/13	0	00/05/31	00/05/31	9/00

C-4	An Act to implement the Agreement among the Government of Canada, Governments of Member States of the European Space Agency, the Government of Japan, the Government of the Russian Federation, and the Government of the United States of America concerning Cooperation on the Civil International Space Station and to make related amendments to other Acts	99/11/23	99/12/01	Foreign Affairs	99/12/09	0	99/12/14	99/12/16	35/99
C-5	An Act to establish the Canadian Tourism Commission	00/06/14	00/06/28	Social Affairs, Science and Technology	00/09/21	0			
C-6	An Act to support and promote electronic commerce by protecting personal information that is collected, used or disclosed in certain circumstances, by providing for the use of electronic means to communicate or record information or transactions and by amending the Canada Evidence Act, the Statutory Instruments Act and the Statute Revision Act	99/11/02	99/12/06	Subject matter 99/11/24 Social Affairs, Science and Technology	99/12/06 99/12/07	2	99/12/09	00/04/13	5/00
C-7	An Act to amend the Criminal Records Act and to amend another Act in consequence	99/11/02	99/11/17	Legal and Constitutional Affairs	99/11/30	4	99/12/08	00/03/30	1/00
C-9	An Act to give effect to the Nisga'a Final Agreement	99/12/14	00/02/10	Aboriginal Peoples	00/03/29	0	00/04/13	00/04/13	7/00
C-10	An Act to amend the Municipal Grants Act	00/03/28	00/04/10	National Finance	00/05/04	0	00/05/09	00/05/31	8/00
C-11	An Act to authorize the divestiture of the assets of, and to dissolve, the Cape Breton Development Corporation, to amend the Cape Breton Development Corporation Act and to make consequential amendments to other Acts	00/06/08	00/06/15	Energy, the Environment and Natural Resources	00/06/22	0	00/06/27	00/06/29	23/00
C-12	An Act to amend the Canada Labour Code (Part II) in respect of occupational health and safety, to make technical amendments to the Canada Labour Code (Part I) and to make consequential amendments to other Acts	00/06/01 (withdrawn 00/06/13) 00/06/13 (reintroduced)	00/06/15	Social Affairs, Science and Technology	00/06/22	0	00/06/22	00/06/29	20/00
C-13	An Act to establish the Canadian Institutes of Health Research, to repeal the Medical Research Council Act and to make consequential amendments to other Acts	00/03/30	00/04/04	Social Affairs, Science and Technology	00/04/06	0	00/04/10	00/04/13	6/00
C-16	An Act respecting Canadian citizenship	00/05/31	00/06/27	Legal and Constitutional Affairs					
C-18	An Act to amend the Criminal Code (impaired driving causing death and other matters)	00/06/19	00/06/22	Legal and Constitutional Affairs	00/06/28	0	00/06/29	00/06/29	25/00
C-19	An Act respecting genocide, crimes against humanity and war crimes and to implement the Rome Statute of the International Criminal Court, and to make consequential amendments to other Acts	00/06/14	00/06/22	Foreign Affairs	00/06/27	0	00/06/28	00/06/29	24/00
C-20	An Act to give effect to the requirement for clarity as set out in the opinion of the Supreme Court of Canada in the Quebec Secession Reference	00/03/21	00/05/18	Special Committee of the Senate on Bill C-20	00/06/19	0	00/06/29	00/06/29	26/00

C-21	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2000	99/12/14	99/12/15	—	—	—	99/12/16	99/12/16	36/99
C-22	An Act to facilitate combating the laundering of proceeds of crime, to establish the Financial Transactions and Reports Analysis Centre of Canada and to amend and repeal certain Acts in consequence	00/05/09 (withdrawn 00/05/11)	00/05/17	Legal and Constitutional Affairs (withdrawn 00/05/18)	00/06/15	0	00/06/22	00/06/29	17/00
C-23	An Act to modernize the Statutes of Canada in relation to benefits and obligations	00/04/12	00/05/09	Legal and Constitutional Affairs	00/06/08	0	00/06/14	00/06/29	12/00
C-24	An Act to amend the Excise Tax Act, a related Act, the Bankruptcy and Insolvency Act, the Budget Implementation Act, 1997, the Budget Implementation Act, 1998, the Canada Pension Plan, the Companies' Creditors Arrangement Act, the Cultural Property Export and Import Act, the Customs Act, the Customs Tariff, the Employment Insurance Act, the Excise Act, the Income Tax Act, the Tax Court of Canada Act and the Unemployment Insurance Act	00/06/14	00/06/28	Banking, Trade and Commerce	00/09/21	0			
C-25	An Act to amend the Income Tax Act, the Excise Tax Act and the Budget Implementation Act, 1999	00/06/08	00/06/14	Banking, Trade and Commerce	00/06/22	0	00/06/22	00/06/29	19/00
C-26	An Act to amend the Canada Transportation Act, the Competition Act, the Competition Tribunal Act and the Air Canada Public Participation Act and to amend another Act in consequence	00/05/16	00/05/30	Transport and Communications	00/06/15	0	00/06/20	00/06/29	15/00
C-27	An Act respecting the national parks of Canada	00/06/14	00/06/28	Energy, the Environment and Natural Resources					
C-29	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2000	00/03/23	00/03/28	—	—	—	00/03/29	00/03/30	3/00
C-30	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2001	00/03/23	00/03/28	—	—	—	00/03/29	00/03/30	4/00
C-32	An Act to implement certain provisions of the budget tabled in Parliament on February 28, 2000	00/06/07	00/06/13	National Finance	00/06/15	0	00/06/19	00/06/29	14/00
C-34	An Act to amend the Canada Transportation Act	00/06/15	00/06/19	Agriculture and Forestry	00/06/21	0	00/06/22	00/06/29	16/00
C-37	An Act to amend the Parliament of Canada Act and the Members of Parliament Retiring Allowances Act	00/06/15	00/06/28	Banking, Trade and Commerce	00/06/29	0	00/09/21	00/09/21	27/00
C-42	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2001	00/06/19	00/06/22	—	—	—	00/06/22	00/06/29	18/00

COMMONS PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
C-202	An Act to amend the Criminal Code (flight)	00/02/08	00/02/22	Legal and Constitutional Affairs	00/03/02	0	00/03/21	00/03/30	2/00
C-247	An Act to amend the Criminal Code and the Corrections and Conditional Release Act (cumulative sentences)	99/11/02	00/05/18	Legal and Constitutional Affairs					
C-276	An Act to amend the Competition Act (negative option marketing)	00/05/18	00/06/15	Banking, Trade and Commerce					
C-445	An Act to change the name of the electoral district of Rimouski—Mitis	00/05/09	00/06/13	Legal and Constitutional Affairs	00/06/22	0	00/06/22	00/06/29	21/00
C-473	An Act to change the names of certain electoral districts	00/04/10	00/06/13	Legal and Constitutional Affairs	00/06/22	0	00/06/22	00/06/29	22/00

SENATE PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
S-2	An Act to facilitate the making of legitimate medical decisions regarding life-sustaining treatments and the controlling of pain (Sen. Carstairs)	99/10/13	00/02/23	Legal and Constitutional Affairs					
S-4	An Act to provide for judicial preauthorization of requests to be made to a foreign or international authority or organization for a search or seizure outside Canada (Sen. Nolin) <i>(Dropped from Order Paper pursuant to Rule 27(3) 00/05/11)</i>	99/11/02							
S-5	An Act to amend the Parliament of Canada Act (Parliamentary Poet Laureate) (Sen. Grafstein)	99/11/02	00/02/22	Social Affairs, Science and Technology	00/06/22	0	00/06/28		
S-6	An Act to amend the Criminal Code respecting criminal harassment and other related matters (Sen. Oliver)	99/11/02	99/11/03	Legal and Constitutional Affairs					
S-7	An Act respecting the declaration of royal assent by the Governor General in the Queen's name to bills passed by the Houses of Parliament (Sen. Lynch-Staunton)	99/11/02	00/02/22	Privileges, Standing Rules and Orders					
S-8	An Act to amend the Immigration Act (Sen. Ghitter) <i>(Dropped from Order Paper pursuant to Rule 27(3) 00/05/04)</i>	99/11/02							
S-9	An Act to amend the Criminal Code (abuse of process) (Sen. Cools)	99/11/03	00/05/04	Legal and Constitutional Affairs					

S-11	An Act to amend the Criminal Code to prohibit coercion in medical procedures that offend a person's religion or belief that human life is inviolable (Sen. Perrault, P.C.) (Dropped from Order Paper pursuant to Rule 27(3) 00/02/08) (Restored to Order Paper: 00/02/23)	99/11/04			
S-12	An Act to amend the Divorce Act (child of marriage) (Sen. Cools)	99/11/18			
S-13	An Act to assist in the prevention of wrongdoing in the Public Service by establishing a framework for education on ethical practices in the workplace, for dealing with allegations of wrongdoing and for protecting whistleblowers (Sen. Kinsella)	99/12/02	00/02/22	National Finance	
S-15	An Act to amend the Statistics Act and the National Archives of Canada Act (census records) (Sen. Milne)	99/12/16	00/09/19	Social Affairs, Science and Technology	
S-16	An Act respecting Sir John A. Macdonald Day (Sen. Grimard)	00/02/22	00/06/28	Social Affairs, Science and Technology 00/06/29	
S-20	An Act to enable and assist the Canadian tobacco industry in attaining its objective of preventing the use of tobacco products by young persons in Canada (Sen. Kenny)	00/04/05	00/05/09	Energy, the Environment and Natural Resources	00/09/20 0
S-21	An Act to protect heritage lighthouses (Sen. Forrestall)	00/04/12	00/06/01	Fisheries	
S-23	An Act respecting Sir Wilfrid Laurier Day (Sen. Lynch-Staunton)	00/06/06	00/06/28	Social Affairs, Science and Technology 00/06/29	
S-24	An Act to amend the Broadcasting Act (Sen. Finestone, P.C.)	00/06/13			
S-27	An Act to guarantee the human right to privacy (Sen. Finestone, P.C.)	00/06/15	00/06/27	Social Affairs, Science and Technology	
S-29	An Act to provide for the recognition of the Canadian Horse as the national horse of Canada (Sen. Murray, P.C.)	00/06/27			

PRIVATE BILLS

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
S-14	An Act to amend the Act of incorporation of the Board of Elders of the Canadian District of the Moravian Church in America (Sen. Taylor)	99/12/02	99/12/07	—	—	—	99/12/08	00/03/30	
S-28	An Act to amend the Act of incorporation of the Conference of Mennonites in Canada (Sen. Carstairs)	00/06/22							

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36th PARLIAMENT •

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OFFICIAL REPORT
(HANSARD)

Wednesday, October 4, 2000

THE HONOURABLE GILDAS L. MOLGAT
SPEAKER



This issue contains the latest listing of Senators, Officers of the Senate, the Ministry, and Senators serving on Standing, Special and Joint Committees.

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THE SENATE

Wednesday, October 4, 2000

The Senate met at 2 p.m., the Speaker in the Chair.

Prayers.

THE LATE RIGHT HONOURABLE PIERRE ELLIOTT TRUDEAU, P.C., C.C., C. H., Q.C.

TRIBUTES

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, for five days our entire country has been in mourning. Tributes to the late Prime Minister Pierre Elliott Trudeau have poured forth from Canadians from all walks of life, all economic circumstances, every region, ethnic background and even political persuasion. I cannot begin to match the depth and impact of all of those tributes. Indeed, most of the speakers following me today will have known him better than I and will speak of him with far more eloquence.

As Leader of the Government in the Senate, I wish to acknowledge Pierre Elliott Trudeau for his incomparable contribution to the life of our country. His accomplishments have already been recited, but one wondered over these last five days what accounted for this unprecedented national expression of affection and respect.

My 21-year-old son called me late last evening. He had obviously been watching the funeral. We were not very long into the conversation when I could sense that he had been really moved by the experiences of the day, so I asked him, "You have never met Pierre Elliott Trudeau. Before you became interested in public life, he was gone from the scene. Why now are you so moved at his passing?" His response to me was, "Dad, more than anyone, he made us proud to be Canadian." I think that says it all.

For that great gift, Prime Minister Trudeau, our nation will be forever grateful. Thank you.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, while Pierre Trudeau was viewed as much a private person as a public personality, he tried, not always with success and, I sense, when sometimes politically convenient, with not much effort, to separate the two. Certainly, those of us who knew him before he entered federal politics quickly realized that behind this very private, shy, reserved individual lay an inseparable public determination to get things done. After all, what was Asbestos all about; and his attacks on clericalism in Quebec and on the Duplessis government; and the very virulent attack in 1963 against the Pearson government's reversal on nuclear policy; and his constant condemnation of nationalism, whatever its form?

At the time, his was one of those lone voices crying out in a regimented, even cowed society, the voice of one who never abandoned the search for fairness and equality and the application of the rule of law.

• (1410)

For him, this fairness and equality could only be ensured through the entrenchment of a charter of rights and freedoms. Only a man with his intellect and his desire to seek justice as he defined justice would ever have attempted to impose a charter of rights in a political system where Parliament is meant to be supreme. His ability to negotiate the supremacy of the Charter in a parliamentary democracy more than anything illustrates to me the agility of his mind to meld two competing concepts. As we look at his efforts in this area, almost two decades later, we can say that his efforts have been well rewarded as the Charter has, for the most part, been a success.

His entry into federal politics and his dominance of it for so many years, even after he left the prime ministership, seemed somewhat inevitable when one recalls the determined, highly principled yet realistic activist of his day who had yet to make his mark nationally.

One will argue endlessly about the Trudeau governments' policies, many now abandoned, and about his own stand on issues which he so much took to heart, such as his extraordinary participation in the Meech Lake Accord debate in this very place in 1988.

One may well ask: How is it that one person no longer in office can have such an extraordinary impact on public opinion? My answer is that he personified in life, as he does in death, the enthusiasm and idealism arising from the centennial celebration of 1967, when, in one glorious year, Canadians set aside their petty differences and quarrels to celebrate their uniqueness and all that they have in common — a reality too often subjected to challenges, never so brilliantly resisted as they were by Trudeau.

Trudeau was one of a tiny handful of Canadian leaders with whom Canadians identified so emotionally and in whom they put their trust so strongly. The outpouring of grief that we have witnessed in the last few days is largely an expression of this heartfelt sentiment which transcends all partisanship, as all see in him what André Laurendeau saw when he summed up Trudeau as follows: "It is his taste for freedom. He demands its risks and its advantages."

For this alone, we owe him an eternal debt of gratitude. May he rest in the peace he so richly deserves.

Hon. Dan Hays (Deputy Leader of the Government):

Honourable senators, I rise with those wishing to pay tribute to Pierre Elliott Trudeau. I wish to say how grateful I am — and I know I share that sentiment with those Canadians who spoke so eloquently by their actions and words since Thursday last when he died — for the public service that he rendered to Canada during his lifetime and for the public service that will continue as his memory lives within us.

I am also thankful to him for the privilege of serving in this place. As one of those who was named a senator by him, I have been extremely proud to conduct myself in a way that I hope and believe is consistent with his values.

I extend my deep sympathy to his family, and I thank them for the way in which they have celebrated his life with us since his death on Thursday.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition):

Honourable senators, no words can ever match the eloquence of the tribute expressed over the past few days by Canadians and others at the passing of former prime minister Trudeau. We on this side of the Senate chamber pay our respects to a distinguished parliamentarian and a brilliant and passionate Canadian. He not only wished Canada well but also worked to make Canada well. Over these past few days, a caring society reciprocated with its national love.

Each member of this honourable house has his or her special remembrance of Pierre Trudeau. For me, I salute his human rights legacy and would like to mention three separate files on which I had the privilege to discourse with him personally.

The first was over the War Measures Act, upon which we disagreed. The second was the *Lovelace* case, which I was successful in taking to the United Nations against Canada and concerning which he told me that academically he supported but as Prime Minister it posed some difficulties for him. The third file was the patriation of the Constitution with the Charter of Rights and Freedoms, a time at which we in New Brunswick were in agreement with the Prime Minister. I had the opportunity to be present and to be sitting to the left of then premier Lévesque in the room upstairs in the Conference Centre down the street when Prime Minister Trudeau manifested his brilliance and was able to present a proposition to the premier of Quebec which, as we know, led to the breakup of the “gang of eight.”

It is now, honourable senators, that we all trust that Pierre Trudeau, who dreamed of a just society for Canada, sleeps the sleep of the just in the bosom of Abraham.

[Translation]

Hon. Gérard-A. Beaudoin: Honourable senators, those who spoke before me mentioned a number of aspects of the illustrious life of Pierre Elliott Trudeau, and those who will follow me will do the same.

In the few minutes that I have, I want to deal specifically with one aspect of Mr. Trudeau's life, namely the enshrinement of a charter of rights and freedoms in our Constitution, in 1982.

[English]

A constitutional charter of rights was the dream of his life. This is the field of law he was teaching at the University of Montreal, and his destiny was to become, in 1982, the father of the Canadian Charter of Rights and Freedoms.

Trudeau was of the Jefferson school of thought. While ambassador in Paris, in 1787, Thomas Jefferson wrote to James Madison, in Philadelphia, to congratulate him for the Constitution of the United States. Jefferson stated that the Constitution was a very good one, but there was one weakness: a bill of rights was missing. James Madison and his colleagues adopted a bill of rights rapidly.

[Translation]

The 1982 Canadian Charter of Rights and Freedoms was considered by Chief Justice Brian Dickson of the Supreme Court of Canada to be the single most important event since the birth of federalism, in 1867. In addition to traditional rights, the charter also includes language rights.

The Supreme Court has already issued 400 rulings based on the 1982 charter of rights. This is an incredible amount of work, and I congratulate the Supreme Court. That constitutional charter will be discussed for a long time, just as the 1867 Constitution is still discussed nowadays.

A charter of rights enshrined into the constitution of a country regulates the life of every citizen, every day of the year. It is at the core of constitutional law, just like federalism and parliamentarism. It protects citizens, even against the state.

Let us not forget that a basic constitutional document, such as a constitution and a constitutional charter of rights, transcends political parties, and leaves a lasting legacy. It clearly transcends political parties.

In 1982, I was active in academic circles. I joined a number of colleagues, including Walter Tarnopolsky, who was later appointed a justice of the Ontario Court of Appeal, and several others in authoring a major collective book on the 1982 charter. A copy of that document was given to Prime Minister Trudeau in his parliamentary office. He was very impressed and said to me: “A book on the charter, the very year that it was adopted.”

Since then, several books have been written and many more will follow.

In my opinion, Mr. Trudeau was more than a great prime minister and more than a statesman. He was also a great thinker and a true philosopher, as witnessed by his charter of rights and freedoms, which has already begun to significantly change Canadian society.

The great legacy of Pierre Trudeau will not die. Historians will write that Pierre Elliott Trudeau was the father of the Canadian Charter of Rights and Freedoms.

I offer my deepest sympathy to his family.

[English]

• (1420)

Hon. B. Alasdair Graham: Honourable senators, I want to begin by telling a little story which illustrates, I believe, in simple terms, the kindness and thoughtfulness of Pierre Trudeau.

In 1978, the day following my re-election as president of the Liberal Party of Canada, my family and I were having lunch in the old Canadian Grill at the Château Laurier Hotel. Hearing that we were all together downstairs, the Prime Minister slipped out the side door of his suite upstairs, unknown to his security team, came down the stairs on the indoor fire escape and into the grill to thank my family one by one.

In the course of those conversations, the youngest of our ten children, then eight years old and in second or third grade, expressed concern about her absence from school back in Sydney, Nova Scotia. The Prime Minister immediately asked the nearest waiter for a piece of paper and quickly scrawled the excuse, a copy of which I have here today: "Dear Teacher, Thanks for letting Anne-Marie come to the convention. P.E. Trudeau, February 1978."

Honourable senators, over the last few days and nights, Canadians have engaged in a monumental, passionate and unparalleled national celebration of the life and times of the Right Honourable Pierre Elliott Trudeau. We have applauded his courage, his self-discipline and his strength under fire. We have admired the enigmatic magician and the dashing prince who brought Canada to the world stage. We have reflected on the just society and multiculturalism and a nation which, when challenged by the audacious Mr. Trudeau, discovered the wonderful reality of its soul.

We have all heard stories about the kind and compassionate human being who was Pierre Trudeau. We have heard about the formidable, philosophical gunslinger whose incisive intellect could cut and thrust like no other. We have begun to understand the profound depth of his spirituality and his devotion to his family. We have thought back to his irreverence and his style and the romance of a restless dreamer. Pierre Trudeau inspired and sometimes vexed us, and he taunted us and teased us to follow the magic, to follow the vision. If and when we faltered, he encouraged us with words like "hope" and "faith" and "dreams that will never die." He made us proud to be Canadian.

He piloted this country through the excitement of self-discovery. With Mr. Trudeau at the helm, we portaged the tough terrain towards a society based on the rights and freedoms of the individual.

[Translation]

We redrew the map of the country. Francophone, anglophone and allophone communities now live in harmony.

[English]

We ran the rapids of the promise of Canada, opening new waterways and experiencing the kind of adventure and exhilaration many of us had never known.

When we explored the world, we Canadians spoke with a moral voice of authority. Our federation became a symbol to the world of the common bonds of our humanity; a pluralist, polyethnic land of diversity, united in the values that made us one, values such as peace and cooperation, values such as tolerance and compassion, a nation with a human face, a nation which was and is a shining light in the international struggle for a better world.

Wherever I have travelled in my own commitments to democratic development, ordinary people from Nicaragua to the Philippines, from Namibia to Bulgaria, have always asked about Mr. Trudeau. As I spoke with President Carter on the steps of Notre-Dame Basilica after the funeral mass yesterday, he reiterated his praise of Pierre Trudeau as a wise and perceptive ally in the exercise of his responsibilities on the world stage, a point that President Carter had made on other occasions.

In one of my election-observing missions, I recall working with the renowned Hodding Carter who once wrote: "There are only two lasting bequests we can hope to give our children. One of those is roots, the other wings."

For all of us who watched his wonderful children take up the challenges of the past week, overcoming the enormity of their personal ordeal with grace and with the deepest humanity, there was no question that those two lasting bequests — roots and wings — had been given to Justin and Sacha. In many ways, those two bequests have been passed on to all of us, to our children and to our children's children.

Pierre Trudeau gave us the normative foundations of the level playing field in this country. He gave us the passion and the idealism of a cerebral springtime which changed us forever as a nation. May all Canadians fly higher and stronger with the winds of his timeless wisdom beneath our wings.

Rest peacefully, dear friend.

Hon. Joyce Fairbairn: Honourable senators, what a roller-coaster ride all of us across the country have had in the last five days, with non-stop waves of emotion, of affection, of pride, and of memories.

Each one of us has our own memories. In every corner of Canada, in our own way, we have grappled with the reality of human mortality as we dealt with the loss of a very special member of the family, Pierre Elliott Trudeau — who was a very heady mix of French and Scot — truly propelled us all at the time of our one-hundredth birthday, a pivotal time for Canada, towards the unknown mysteries of a new century that are really just opening up to us now.

He was a lawyer, a teacher, a man of deep and private faith. He was an adventurer, both at home and abroad, and later a statesman throughout the world. He was an athlete and, at the same time, a lover of music and the arts and books and, of course, literacy, which we certainly had in common. He was an activist who was as tough as nails — stubborn, outspoken and unbending in his fundamental principles. He was a gentleman — kind, gentle, courteous and very loyal. He was a scamp, full of laughter and a lot of fun. All in all, he was a different kind of guy than we were used to having as the leader of our Canada.

• (1430)

As each of us reflects today on the place in our lives that Pierre Elliott Trudeau held, I must admit at once that I have a deep personal bias and a profound love for the man. We shared a friendship over 35 years, 14 of them working together in this building, which became a home after all those years during his terms as Prime Minister and as Leader of the Opposition in 1979. I wrote about him, as did my friend Senator Carney, during the 1960s. We used to share, in those simpler days, breakfasts at the main table in the fifth floor cafeteria. He would eat boiled eggs and brown toast, and I was so gripped with trying to get to know him that I cannot remember what I ate.

When he left Ottawa 16 years ago, he certainly did not leave the public mind. I must say that our friendship has simply strengthened and carried on ever since, bound by memories of events, both historic and personal — events that will never be forgotten.

As others have said, honourable senators, millions of words about Pierre Trudeau have poured out over the years, and certainly so in the last few days, dissecting who he really was or, perhaps more to the point, who others thought he really was. In truth, that may seem a bit deep, but it is not really very complicated. When he was asked some years ago how he would wish to be remembered, his instant response, without a second of thought, was, "As a good father to my children." Then he added, "As one who loved this country and its people." The emphasis was always on people. That is pretty much to the point, and it is just the way our remembrance of him turned out.

His love for his children was deep and proud and joyous, and they returned that love absolutely in kind. We have seen that every minute of the last few days, and most particularly at the basilica in Montreal yesterday. The boys, Justin and Sacha and dear Michel, and his wonderful young daughter, Sarah, meant everything to their dad. They were at the heart and the core of his life. Yesterday Justin, the eldest, rocked the soul of our nation with his tribute to his father, Sacha with his scripture, and Sarah with her dignity and attention to every word that was said. The remembrance by his other "family," the people of his country, would have touched him to the core.

Honourable senators, words or film cannot describe adequately what happened in Canada over the past few days. In every community, on the lawns and in the Hall of Honour on Parliament Hill, and, perhaps most movingly, in the City Hall of his hometown, Montreal, and again in the streets of that great

city around Notre-Dame Basilica, he was given such a magnificent send-off to glory.

His devotion and pride in this land and Canadians in every corner of it filled his thoughts and his hopes and his dreams to the very end. Every part of Canada meant something special to him and fostered, early on in his life, that fierce determination to do everything within his reach and power to secure the unity and the independence of his country and to ensure that each individual citizen had the confidence of protection of their personal rights and freedoms within a strong and vibrant democracy.

Thoughts of patriation, of our Constitution and of the Charter of Rights and Freedoms — which drew, I might say, a huge round of applause among the crowd outside the basilica whenever it was mentioned yesterday — did not just begin when he became a member of Parliament back in 1965. As Justin said yesterday, those thoughts did not come out of any textbook. They were deeply embedded in his beliefs and clearly central to the decision that these beliefs could be driven forward and moved if he entered politics and public life.

Not everyone in this chamber agreed with his views or his methods or his politics, nor by any means did everyone in this country. However, I would venture to say that few would dispute the strength of his commitment to furthering those goals because in the end they were goals for everyone in Canada as well.

Honourable senators, some have suggested, even in recent days, that the conventional impression of Pierre Elliott Trudeau was of a man with no shades of grey. It was all black and white, agree or disagree, like or dislike, patrician and aloof — in short, he could not really be considered as a man of the people. I find that astounding — a mythology perhaps built up through the political battleground or perhaps in the pillars of academic thought, or, indeed, maybe a quick or superficial commentary. In truth, there was an extraordinary level of direct and personal connection from the very beginning of his somewhat reluctant entry into public life, and it played itself out in the minds and hearts of people of all political persuasions across this land, who granted him the respect of a person who steadfastly worked for the greater cause of Canada at home and in the world.

Having travelled extensively in that world, Mr. Trudeau looked at Canada with an especially sharp and loving eye. He passionately believed it to be, not just the very best, but the most special combination of persons and cultures of any other place. His respect and friendship for our First Nations was profound — those people who were here before any of our ancestors ever came near to these shores and who protected and cared for this land until the time came to share it. He never forgot them, and they were there in Montreal yesterday in great numbers, as were aboriginal friends in this chamber, to pay their respects.

Honourable senators, Pierre Trudeau gloried in the beauty and the enormous potential that this country offered to those who had had the courage to settle and stay and build a future for their families under incredibly harsh conditions.

• (1440)

He wanted every Canadian to share those feelings, to understand their country, to care for it, to protect it, and to become involved in its life. He wanted everyone to have a fair chance to do that in Canada, and he always believed that those who, for whatever reason, did not have that fair chance should be offered a helping hand, be it from the state or from each and every one of us.

Pierre Trudeau enthusiastically encouraged and welcomed people from every part of the world to come here and join this family. Many of the most poignant messages that were left here in those books of remembrance, or out at the Centennial Flame, or at the front door of his house on Pine Avenue in Montreal, were written by those who had listened to what he said, taken his advice, came to Canada, made it their home, and they were saying, "Thank you very much."

In his never-ending determination to maintain a strong and united Canada, Pierre Trudeau vigorously followed the initiative of his predecessor, Prime Minister Pearson, and urged us to share not only our founding cultures but our founding languages. That has happened and is happening in a second generation of young people all across this country; young people who have found that speaking both French and English is an enormous asset in their personal citizenship. In conversation with him, even most recently, I often felt that my stories of the great successes of that bilingual program — now almost viewed as conventional in many parts of this country — touched him perhaps more than anything else. It touched him to know that children are now learning our languages in kindergarten in Canada, and that my own community, Lethbridge, in the southwest corner of Alberta — which was never a hotbed of support for these programs in the beginning — now has its first totally French school, L'école La Vérendrye. That absolutely delighted him.

Policies come and go, sometimes with approval and sometimes with heavy opposition. Some remain, however, and change the face of a nation. Many of his have done that, without a revolution, but with great opportunity for our young people and our future leaders. Canadians are remembering that with respect and great appreciation, which in itself becomes a part of his legacy.

I do not believe, honourable senators, that Pierre Trudeau fully realized how deep and personal that public feeling goes. He does now. There was no doubt in my mind that he was wandering through the crowds across this country, here on Parliament Hill, and in Montreal. He was wandering through those lines of folks, listening in on those conversations they were having, looking over their shoulders as they were writing messages, and he was sniffing the roses. Michel was there with him sniffing as well. Pierre would have smiled at the children who were not quite sure why they were there, but sensing the occasion with a little bow and a gentle touch of the flag.

Honourable senators, he would have thanked the security teams, who permitted a free and steady flow of all those thousands of citizens as they had come forward. He would have

thanked the Armed Forces for their participation in his vigil. He would have thanked everyone on the Hill for going through the crowds and reaching out to those who could not move easily, who were in wheelchairs, and brought them up to the front of the line. He would have liked that a lot.

He would have been so proud of the Royal Canadian Mounted Police detail that treated him with such care and loyalty, as they had every day of his life for so many years; and would he ever have loved that train ride. It would have brought back memories of past campaigns, with all the waving flags and the friendly faces along the tracks.

It is really so hard to let him go because, as Justin so powerfully and pointedly reminded us yesterday, this time he will not be coming back. The son issued the same challenge that we had heard so often from the father — that this is not the end. It is now up to all of us to carry this country forward.

That, honourable senators, means all of us who have had the privilege of being sent to this Senate by various prime ministers; myself, of course, with great thanks, by Pierre Elliott Trudeau. We have a most special platform in this country from which to fight for Canadians, for our future, and for the future of those kids who were in those lines. It is that kind of commitment that will carry forward the fundamental goals of nationhood for the benefit of all our citizens. That was his dream.

To Mr. Trudeau's sister, Suzette Rouleau, and to Margaret, I offer my deepest sympathies. To Justin and Sacha and Sarah, they will always be part of our family. We share their sadness and their loss today, and we offer our love and support for tomorrow.

As for my old friend Pierre, his spirit will be with me always, as it will be forever in the history of this country. We will never forget.

Hon. Sheila Finestone: Honourable senators, as I arrived at my sister-in-law's home in Montreal last Thursday night she was waiting at the door. We were getting ready to celebrate Rosh Hashanah. "Have you heard?" she asked, with a trembling voice, "Pierre passed away." I received the news with a pang in my heart, tears in my eyes, and frankly, it was as if a personal loss had occurred. In our minds and in our hearts, the people we love and admire will live forever.

Today, I stand to deliver a eulogy for our beloved friend and great statesman. The thoughts are many and so are the memories, but every word that comes to mind seems too small to describe such a grand man. Everywhere in the media he has been eloquently remembered, and here on the floor of the Senate there have been very moving tributes. He was the statesman who made us young, made us proud, made us dream.

"A nation grieves," says *The Gazette*, "A reflective politician, a thinker willing to act," says the *Tribune*, "United in grief, the nation plunges into mourning," reads *The Globe and Mail*. As well, *CBC Newsworld*, in its retrospective and fulsome coverage, provided a much appreciated history lesson for many Canadians.

Perhaps the most poignant comment of all was the respectful and reflective quiet on the grounds of Parliament Hill on Sunday night when I visited, where thousands of people had gathered to pay their last respects to the Right Honourable Pierre Trudeau. For millions of Canadians, Pierre Elliott Trudeau will be remembered as the founding father of our modern nation, the man who patriated the Constitution, with its Charter of Rights and Freedoms, accelerated social changes by promoting bilingualism and multiculturalism, and leaped over conventional wisdom, for he was an innovator and a visionary.

He clearly understood the needs and aspirations of the Canadian people, captured the politics of the global scene, and shared with all of us his vision of Canada's future. He was the man who believed in working hard, playing hard, loving his family and saluting the flag. He made all of us proud of being Canadian.

Like many honourable senators, I had an opportunity to meet with Mr. Trudeau many times; at cocktail parties, luncheons, dinners and book launchings. On those occasions we had pleasant exchanges but nothing of substance. However, I do have other memories. I do have the memory of the 1980 referendum. As a member of the executive committee for the "no" in Quebec, I joined senators and members of Parliament on the platform in the Paul Sauvé Arena as we awaited the arrival of Mr. Trudeau. I can tell you that the tension that filled that arena was palpable. When Mr. Trudeau arrived, it was as though electric sparks went through the arena. There was a sense that someone had come to give hope and guidance, and that his will would prevail. It was an absolutely amazing moment.

• (1450)

When I was approached to run as the candidate for Mount Royal, which had been held for the previous 16 years by Mr. Trudeau, I felt deeply honoured, yet very humbled, by this awesome prospect. Although I found the challenge daunting, I accepted. As the campaign proceeded, arrangements were made for Mr. Trudeau to canvass with me in some shopping centres. As the day of our first joint campaign undertaking approached, I became increasingly nervous. What could I say to this very important man, this great intellect? How could I thank him appropriately for joining me on the campaign trail?

Mr. Trudeau's limousine arrived at my house and his chauffeur opened the car door for me. As I took my seat, I managed a few words and a tentative smile, trying to look capable of the incredible task ahead of me. Mr. Trudeau took one look at me with his piercing blue eyes and said, "Why on earth do you want to run?" His question left me speechless, a rare occasion for me. It took me several seconds to recover but I did say what I wanted to say. I said: "I want to run because of you, Mr. Trudeau. You brought the Charter of Rights and Freedoms, a charter on multicultural rights and on women's rights, into sharp focus as human rights." I and my family believed in that philosophy and had worked toward those goals for many years. I had been working for partnership, fairness, equality, and respect for all.

Mr. Trudeau brought us this exciting mechanism for democracy, this Charter. Canada would be strengthened through it and Canada would become a better and a more fair place. We just heard from Senator Kinsella about the 400 decisions that have been made as a result of the Charter. The *Lovelace* case began the move toward fairness and equality for women that was so important.

I told Mr. Trudeau that he had given such strong constitutional guarantees for equality that all men and women, all cultures, all people, all races, and all religions, in their diversity would be respected as equals. His was a vision of justice for all. I told him that that was why I wanted to run. I wanted to help his vision and the Charter become a reality.

When I was the critic for communications and cultural policy for our party during the free trade debates, following Mr. Trudeau's legacy, I voiced my personal concern and that of our party for the promotion and protection of Canadian cultural products and industries. We must never forget that, among his many qualities, Mr. Trudeau was the fervent and passionate architect of our renewed Canadian identity. Through critical investments in the arts for museums, book publishing, filmmaking and television, he embarked on a cultural nation-building process with the belief and determination necessary to make it the reality it is today.

A wonderful example of this is the two museums on either side of the Ottawa River here. Under Mr. Trudeau's leadership, Canada experienced the birth and development of new cultural industries and products which, by repudiating the 19th century rhetoric and stereotypes, reinterpreted the notion of being Canadian to being part of a vigorous, young, dynamic, pluralistic society.

Trudeau's vision was deep and broad. He communicated his vision to the Canadian people in a very distinctive personal voice — engaging, persuasive, sometimes witty, always challenging, and always skilfully coordinating all the parts of his thoughts toward a well-conceived conclusion. Today, as his heirs, we have learned that the sum total of his deeds is greater than his parts.

Pierre Trudeau's son, Justin, gave an amazing eulogy to his father yesterday. In response to his eloquent and moving tribute I say, "We understand that your dad will not be coming back any more. It is up to all of us now." I hope that I am right in telling Justin, Sacha and Sarah that they will not find us wanting.

On Sunday, as I joined the hundreds of pilgrims on Parliament Hill, I thought how mystifying it was that the Right Honourable Pierre Trudeau passed away during the Yamin Noraim, the ten days of awe and repentance that start with Rosh Hashanah and end with Yom Kippur. For the Jewish people, this is a time for serious introspection, repentance and prayer, as we believe that on Rosh Hashanah the destiny of all mankind is recorded by God in the Book of Life. The book is then sealed on Yom Kippur. As I stood by Pierre's casket, wrapped as it was in our beloved Canadian flag, I said to him, "Thank you, Pierre, for all you have done for us. May God inscribe you in the Book of Life, for you are the eternal light in the heart of Canada."

Hon. Raymond J. Perrault: Honourable senators, who could have predicted the outpouring of affection and grief that we have witnessed during recent days? There was magic in the long line of people who came to pay their respects in the Hall of Honour. Together with many of you, my wife and I stood in line for five hours to pay our respects. It was a worthwhile wait because we had an opportunity to talk to many Canadians during that time.

Immediately in front of us was a young man who had come here from Toronto where he is studying at university to be an engineer. There were others who came here from the Prairie provinces and other distant points at considerable cost and effort. There was a woman waiting very near to us who was wearing a bandanna. She was obviously in the advanced stages of cancer. She had to sit down every ten minutes due to exhaustion, but she stayed in line until her turn came to pay her respects to a former prime minister. It was a phenomenal experience.

I was impressed as well by the thousands of people there representing the ethnic minorities in Canada. Obviously, Pierre Elliott Trudeau was very much loved by all Canadians, regardless of racial descent, and regardless of how long they had been in this country. Pierre Elliott Trudeau made everyone feel welcome in Canada. He regarded all Canadians as equals.

Pierre Trudeau believed in democracy. I recall that when I was Leader of the Government in this place, some opposition senators confided in us that they were having difficulty being an effective opposition as they did not have enough members. A meeting was scheduled with Prime Minister Trudeau and he was told of the situation and the need to strengthen the opposition, that in order to do its important work the opposition had to be strengthened. He told me to leave it with him, and very soon thereafter additional Conservatives were appointed to the Senate, for Pierre Elliott Trudeau believed in the parliamentary system and believed in the necessity of having an effective opposition.

I well remember sessions around the cabinet table. Mr. Trudeau did not suffer fools gladly. He was an effective democratic leader of government. His attitude toward various issues invited many and varying opinions from members of cabinet. He listened closely to what ministers had to say. More than once, the majority view of cabinet was not his view, but he was democratic and fair and got people working together, and he welcomed new ideas.

• (1500)

Some truly magnificent speeches have been made this afternoon and in the days that have passed. These speeches have been some of the most eloquent oratory that I have heard in this place and elsewhere. This oratory has sprung from a real desire of Canadians to share with fellow Canadians their love and appreciation of this country and of the inspirational man who headed Canada for so long. I believe that a great deal of good may come as a result of this sad event — a new appreciation of Canada, its people and its standards.

Many other honourable senators wish to pay their respects, and I have appreciated this opportunity to say a few words.

Hon. Pat Carney: Honourable senators, listening to the speeches here and the tributes over the last few days, I am reminded that I knew Pierre Elliott Trudeau as a parliamentarian. There are not many of us in this chamber who knew him in that way. Senator Forrestall, Senator Perrault, Senator Stollery and Senator Joyal knew Pierre Elliott Trudeau as a parliamentarian. That list may include Senator Al Graham also, but he has been around for so long that I cannot remember in which House he sat.

It was as a parliamentarian that we should remember Pierre Elliott Trudeau. I sat in the House of Commons with him during the period of 1980 to 1984. I was a brand new member of Parliament from Vancouver Centre and was going to save the country. He was the re-elected Prime Minister who did save the country. I was a novice and he was an old hand, and I learned parliamentary manners from him. He understood clearly the role of the Westminster system of government. He understood that the government proposes and Her Majesty's Loyal Opposition opposes, and out of that tension comes better legislation.

That was true of the Constitution debates. In the original proposal to change our Constitution were measures entirely unacceptable to Western Canada. During the debates, some of those issues were changed for the betterment of the country.

I learned from Pierre Elliott Trudeau that if one asked a question in derision, one would be answered in scorn. As a Westerner, I opposed many of his policies. However, he remained gracious and rarely dismissive. I learned that if long questions were asked, he could tear the questioner to shreds. I learned that if questions were clear and concise, the question would be answered with courtesy and attention, if not with information.

Honourable senators, we could all practice these lessons in both this chamber and the other place. In that way, possibly, a greater clarity in parliamentary debate would be among his legacies.

[Translation]

Hon. Serge Joyal: Honourable senators, the people of Canada and the friends of Canada are in mourning. The man who, for more than three generations, was the incarnation of Canada, of the Canadian spirit, is no more. For some of us, myself in particular, losing him is somewhat akin to being orphaned.

Our national connection is rooted far back in history. Today, one of our most brilliant sources of inspiration is no longer with us. The feelings expressed by so many Canadians in recent days illustrate, and illustrate so movingly, what Henri Lacordaire wrote about public responsibility:

One cannot reign over men if one does not reign over their hearts.

Pierre Elliott Trudeau was involved in our national connection at a decisive moment in our history.

He was our leader, and a true leader he was. He is the one who showed us the path he believed the country needed to take in order to ensure the rights of minorities and the weakest members of our society, in order to guarantee that Canada, as a country and as a nation, would continue to live up to our shared ideal.

He reassured us, not with the weight of his authority as a leader, but by the forcefulness and rigour of his thought. His thought was clear:

Man's freedom remains the hardest thing for humanity to conquer.

His entire lifetime was devoted to defending the individual against political or religious dictates, against conventional wisdom, which keeps societies from progressing, against the fetters of narrow nationalism, which makes groups become risk-averse and reactionary, against the power of the corporate consensus and against economic imperialism, which dominates the weakest.

Pierre Elliott Trudeau did not have two different ethics: one for his private life and one for the government. He was a man of one consistent, rational whole. He focussed his efforts on leading the debate to encourage us to be the best we could be, to remain consistent with ourselves, to push us to hold onto our principles without compromise and without side-stepping issues.

He was a firm man, but not a pitiless one. He was fair, particularly in victory. To him, as a Liberal, the individual is absolute. Societies do not exist for communities; they exist merely to provide each individual with the chance to share equally in the opportunities offered by the talents, the character, the aspirations of each and every one.

Collectivism serves no purpose if the individual is crushed. Pierre Elliott Trudeau fought cliques and the status quo. He sought to reform the fearful, those who saw themselves continually besieged; he worked to change institutions, in short to free people from constraint, be it money or thought.

For him, men and women were not of two sorts, the good and the others, the patriots and the traitors. There was but one sort of man, one who seeks personal freedom along the way, at times by trial and error. This is how he saw his political commitment.

Fifteen years ago, after he had stepped down, we were camping in New Mexico on a rocky peak, and he said to me one evening:

You know, there is no calling more noble than that of politician, because through it alone can one set the measure of a society's freedom.

He did not believe in weapons; he consistently defended peace, over force. Rapprochement, over exclusion. Dialogue, over colonialisms. He saw humanity in grand terms; his dreams for us were in grand terms too.

He had a very clear sense of the country. He transformed it. He took it to its limits. His view of francophones was in rather flattering terms as well:

Had I not been French Canadian by birth, I would have been by adoption.

He identified with our secular spirit, our unbridled spontaneity, our way of enjoying life, free of inhibition and false modesty.

On the evening of the election in Quebec on November 15, 1976, he delivered the following message to the country on television:

I am confident that Quebecers will continue to reject separatism because they still believe that their destiny lies within an indivisible Canada.

Pierre Trudeau did not see any benefit to Quebecers in retreating into a sort of social or political ghetto. Why try to be unilingual when cultural borders are opening up? It was his profound belief that respect for the principle of the equality of both official languages, French and English, would allow us to share equally in Canada's potential and opportunities. If francophones made the effort to assume, with competence and integrity, the responsibilities of managing this country, nothing would threaten their development.

His vision of us was a broad one: It took in all the horizons of Canada, the west and the north, the places where, three centuries ago, the explorers, many of them francophones, were the first to venture. This man, who loved the wide open spaces and roughing it, could not see why we had to corner ourselves in and abandon a land of such abundance and potential.

He said to us:

Let us put down the signposts of our identity throughout Canada, and roll up our sleeves like our ancestors before us: do we lack their fortitude? Do we have less faith in ourselves than those poor colonists who battled to survive the heat and the cold?

Canada was a part of him, with its challenges and its historic hesitations. He wanted to put it on a more solid and lasting footing, to ensure that it could grow in peace and justice.

Today, we must interpret the principles of the legacy he left us if we are to live up to his trust.

How did Pierre Trudeau define a just society in 1968?

[English]

I should like to quote from what he wrote in 1968 before he became the leader of the Liberal Party of Canada.

The Just Society will be one in which the rights of minorities will be safe from the whims of intolerant majorities. The Just Society will be one in which those regions and groups which have not fully shared in the country's affluence will be given a better opportunity. The Just Society will be one where such urban problems as housing and pollution will be attacked through the application of new knowledge and new techniques. The Just Society will be one in which our Indian and Inuit populations will be encouraged to assume the full rights of citizenship through policies which will give them both greater responsibility for their own future and more meaningful equality of opportunity. The Just Society will be a united Canada, united because all of its citizens will be actively involved in the development of a country where equality of opportunity is ensured and individuals are permitted to fulfil themselves in the fashion they judge best.

Those were his convictions, the essence of our political legacy: first, that the rule of law is the fundamental guarantee of a free and democratic society; and second, that the Canadian Charter of Rights and Freedoms is our inalienable heritage and, thus, we all share the responsibility to abolish its derogatory clause, the hole that was left from an unfinished initiative, because our rights and freedoms should be above any government initiatives. Rights are rights, are rights, and should never be put at risk.

[Translation]

That one life, just one life, is worth all the efforts made to protect it from the law of retaliation. That we form a nation that is one, sovereign and indivisible. That our sovereignty is that of the Canadian people as a whole and that our destiny as a united country belongs to each and every one of its citizens, wherever they may live in this great country. That our true wealth is the diversity of our population and that we must work toward having that diversity appreciated by defining the best rules to guarantee mutual respect and confidence of its members in each other. That our commitment to serve peace and to bring people closer must rest on the fundamental respect of the dignity of people. That linguistic equality is a daily commitment that is never completely fulfilled, a commitment at each stage of the development of our society. That the integrity of Parliament and of our national institutions is at the core of our democratic development, and that equal opportunity is the basis of actions taken by all governments and of social cohesion.

He also wanted Canadians, all Canadians, to be able to control our country's destiny. He wanted to make Canada a country perfectly capable of determining its own future. With these commitments, with this true ability to control our destiny, Pierre Trudeau firmly believed that Canada would be:

...so advanced from the point of view of social justice, prosperity and peace that to abandon it would be a sin against the spirit, a kind of sin against humanity.

When he left politics, in the spring of 1984, he ended his public life at the Ottawa Civic Centre by saying: "Long live Canada, one and indivisible."

For him, this was the end of the first phase of a job begun over 30 years ago. Honourable senators, we have inherited this great dream. We now have to rise to the challenge that Pierre Trudeau left us. The sun does not set on Canada.

[English]

The sun never sets on Canada.

I thank honourable senators for their attention.

• (1520)

Hon. Jack Austin: Honourable senators, what can be said of Pierre Elliott Trudeau that has not been said by the tribute, the respect and the affection that has been paid by the people of Canada themselves across this vast and great land since the news of his death on September 28, 2000?

Personally, I am in awe of the tens of thousands who waited patiently on Parliament Hill for three or four hours just to touch his coffin and say a silent prayer. I am in awe of the tens of thousands of Canadians who, in the cities, towns and countryside, have spoken of their respect and admiration for someone they regard as a truly great leader of the Canadian family and nation.

History has claimed Pierre Trudeau, and history will, over the decades to come, evaluate his contribution to Canada. That judgment will come in the millions of decisions made every day by Canadians in the years to come about the values Canadians choose for their lives, their society and their nation. Pierre Trudeau stood for a united Canada — a Canada that was one, a Canada that was progressive, a just society. He gave his reason, his passion, his energy and his life for that cause. If Canadians make the same choices, then he will be seen by history as a truly great leader of this nation.

Once, when Pierre Trudeau and I were travelling together in Asia, he said in a quiet and reflective voice: "Do their leaders dream for their country and its people or only for themselves and their power?" Canadians have no doubt that Pierre Trudeau's dream was Canada.

I am a Canadian from British Columbia, and I am proud to represent my beautiful province in the Parliament of Canada as I have been proud to represent British Columbia in Pierre Trudeau's cabinet, from 1981 to 1984. He loved our landscape and, in particular, our ski slopes. He married Margaret Sinclair, one of our beautiful daughters. His son Justin lives and works there, and his son Misha died in British Columbia in a tragedy that depressed him horribly. Pierre Trudeau had a deep connection to British Columbia.

During his political days, British Columbia both intrigued and puzzled Pierre Trudeau. He saw the potential of the land and its people but he wondered whether they knew how to dream or how to act on their dreams. In a now famous fundraising dinner for the Liberal Party in 1981, in Vancouver, he talked about the magic of being at the end of the rail, the start of the ocean and the necklace of mountains. He said that to see the top of the mountain was to see the challenge. When Quebec felt that they had a larger entitlement than they were receiving from Canada, Quebecers responded by seeking a greater presence in Ottawa. If British Columbia felt ignored, then his advice to its people was to send the best people to the Commons, to the public service. Don't grumble and do nothing. He challenged British Columbia to act. To quote Pierre Trudeau: "It is said that those who live at the foot of great mountains are the last to climb them." Some thought he was insulting them; others thought he was right to provoke them to action.

I knew Pierre Trudeau was deeply attached to British Columbia. When there was great controversy in the cabinet in 1982 over whether to support and fund Expo '86, including Canada Place, he made the decision to go ahead. He came to Vancouver to unveil the maquette of Canada Place. He came again to join the Queen, in March 1983, in a ceremony to witness the beginning of construction of Canada Place. When the InterAction Council, his group of former leaders chaired by Helmut Schmidt, decided to meet in Canada, Pierre Trudeau chose Vancouver for their 1996 meeting.

On my Senate office wall hangs at least 16 identical portraits of Pierre Trudeau, each shaded in different colours. The artist presented this portrait to Pierre Trudeau in two identical copies. One copy hangs in Mr. Trudeau's Montreal office. The other, given to me by Pierre Trudeau and which hangs in my Senate office, bears the following inscription: "To my colleague Jack Austin from a friend with many faces but one reality." I did not realize it then, but it was Pierre Trudeau writing his own epitaph.

I send my condolences to Margaret, Justin, Sacha and Sarah, and to all those who loved Pierre Trudeau.

[Translation]

Hon. Louis J. Robichaud: Honourable senators, my few words about Pierre Elliott Trudeau will certainly pale beside the eloquence of the senators who have preceded me and what has been written about him not only in Canada but worldwide. The newspapers, the television, the radio, all the media have been unanimous in their praise of an incomparable man, a political giant. A man known very well to many of us, less well to some, but admired by all. We admired Pierre Trudeau, a Pierre Trudeau who was a man of many parts: a man with a spirit of justice, of equity, a constantly alert mind, a man of great intelligence.

[English]

We believe that people are irreplaceable. However, I think we can say that some people are not as replaceable as others. Pierre

Trudeau is in that category. It will be difficult, in years to come, to replace a man of his calibre, a man so complete.

Not long ago I read that a teacher in an elementary school had asked her six-year-old pupils to write a short letter and ask a question to God. There were several questions, one of which struck me. That question went as follows: "Dear God, why do you allow so many people to die, because you have to replace them? It would save you much work if you let them live much longer." It was signed, "Suzie."

Pierre Elliott Trudeau should have lived much longer. Then God would not have to replace him, because he would be here.

[Translation]

I knew Pierre Trudeau very well. He was truly aware of the needs of the less advantaged in society, whether individuals or communities. As an Acadian, I reaped the benefits of his broad vision. To relate one rather commonplace event, he had turned down a number of universities' offers of honorary degrees. The Université de Moncton, to which I have a personal connection, offered him one. Pierre Trudeau told me personally: "I have turned down honorary degrees, but I cannot turn down one from the Université de Moncton, the Acadian university."

• (1530)

I was present when that honorary degree was bestowed upon him by the Université de Moncton. This may be a commonplace gesture, but it was a symbolic one. He respected minorities. Without a Pierre Elliott Trudeau there would be no official languages and certain provinces would not be able to take pride in saying: "We are bilingual; we can speak English and French." Today, when we go to Calgary, Vancouver or Winnipeg, we can hear French in the streets. Before Trudeau, that would not have been easy. If French was spoken, it was in very limited circles. I would like to tell the family of Pierre Trudeau what they have heard so many times already: You have lost a great man, and Canada has lost a giant.

Hon. Lucie Pépin: Honourable senators, those of us who knew Pierre Elliott Trudeau well have been left, since his passing, with a bewildering feeling of emptiness, a void that we are all still wondering how to fill, and one that weighs heavy on us.

The death of Pierre Elliott Trudeau has brought down over us a veil through which we can still see the rich heritage he left behind: a heritage of beliefs, of ideas of what Canada should be, of examples and of actions. Pierre Elliott Trudeau is no more, but we are guided more than ever by his vision of Canada: a vision of a modern, bilingual, multicultural country devoted to protecting human rights and freedoms, a Canada of equality and justice.

Without a doubt, the Charter is the most concrete evidence of the concern for justice and equality that drove Pierre Elliott Trudeau. He was an intellectual who was a liberal in the philosophical and social sense of the word, a man motivated by social justice and equality. Let us remember that, under his leadership, the government passed legislation that laid the basis for women's equality, access to the pill and therapeutic abortion, liberalization of the Divorce Act, and decriminalization of homosexual acts between consenting adults. He brought us into the modern age. Moreover, women were appointed to positions until then reserved for men: in 1972, he appointed the first female Speaker of the Senate, Muriel McQueen Fergusson, followed by Renaude Lapointe; in 1982, he appointed the first female Supreme Court justice, Bertha Wilson. He also appointed the first female Speaker of the House of Commons, Jeanne Sauv   who, in 1984, went on to become the first female Governor General of Canada.

Honourable senators, all of this was vital to building women's citizenship, because it marks their transition to positions of representation instead of those of mere participants in the electoral process or players on the fringes of politics. In his eulogy yesterday, Justin Trudeau said that his father taught them to believe in themselves, to stand up for themselves. After that eulogy, honourable senators, I have but one wish and that is that the desire for excellence that Pierre Elliott gave to my generation will be passed on to the youth of our country so that anyone with a dream will be able to achieve it in whatever field of endeavour he or she chooses. That was one of the hopes that Pierre Elliott wished to leave to those who followed.

[English]

Hon. Michael Kirby: Honourable senators, I am thankful for the opportunity I had to serve as the senior public servant on the constitutional file that ultimately led to the patriation of the Constitution with the inclusion of the Charter of Rights and Freedoms. It was certainly the most interesting period of my life. For all the reasons described already by Senators Beaudoin, Joyal, Kinsella and others, that period had a very dramatic and lasting impact on Canada.

I asked Pierre Trudeau what he thought his greatest legacy was in public life. It is a question that the news media frequently asked and to which he always gave a non-answer. I am afraid he also avoided the question in private. However, I felt I had some insight into what Trudeau thought of the Charter's importance because of a speech he gave in New York City on the night of November 5, 1981. That was the date on which the nine provinces and the federal government reached an agreement to patriate the Constitution and to include the Charter of Rights and Freedoms.

For many months, the Prime Minister had been scheduled to receive a Man of the Year award from the American Council of Churches in New York City. That afternoon, Mr. Trudeau flew to New York, as planned, with the text that the staff had prepared several weeks in advance; but, when he began to deliver his speech, he ad libbed the opening paragraph. He included

two sentences that have always stuck in my mind as showing Mr. Trudeau's opinion on the rightful place of the patriation and the Charter in Canadian history:

In 1787 the founding fathers finished writing the United States Constitution in Philadelphia. In Canada we did it this morning.

That quote has not appeared in many places because it was not in the official text, but I believe it summarized the importance that Pierre Trudeau gave to the Constitution and to the Charter of Rights in particular, even though he would not openly admit it.

Indeed, honourable senators, it has always surprised me that the Charter has had such overwhelming support among Canadians. Even during the so-called constitutional wars of 1980 and 1981, never did less than 80 per cent of the population in any province support the Constitution. Indeed, in some provinces, the percentage of support reached the high nineties. We were never at less than 80 per cent, entirely independent of what the premier of the day was saying.

A public opinion poll was published within the last six months but unfortunately, I could not lay my hands on it over the weekend. In that survey, Canadians were asked about their degree of support for a variety of Canadian institutions. The institution to which they gave the highest degree of support was the Charter of Rights and Freedoms. That is where it stands after the 400 judgments referred to by Senators Kinsella and Beaudoin.

I have always found it strange that a number of Canadians, including some senators on both sides of this chamber, have frequently criticized what they call the judicial activism of today's judiciary. It is particularly puzzling to me that people do that while simultaneously supporting the Charter.

Lest anyone have any false impressions, the first ministers, when they agreed to the Charter, absolutely understood that one direct consequence of the Charter would be a more activist judiciary and less authority for legislatures and for the Parliament of Canada. Indeed, on at least two occasions, there was lengthy debate in the private, closed-door meetings between first ministers and a few of their staff. In opposition to the principle of the Charter, two premiers argued strongly about the need for the supremacy of the legislature and the supremacy of the politician.

The end result of that debate was a comment by one first minister, whom I will not identify because it was said in a closed-door meeting. That minister summed up the debate as follows: "Given how poorly politicians have performed in protecting the rights and freedoms of individual Canadians, how could the judiciary possibly do worse?"

For those who think that judicial activism is an accident, it is not. Those who think that Pierre Trudeau did not foresee that consequence of implementing the Charter of Rights and Freedoms are wrong.

• (1540)

If being the architect of the Charter is Pierre Trudeau's greatest public policy achievement, as Senator Fairbairn said a minute ago, surely being an outstanding father is his greatest private achievement. Those of us, like Senator Fairbairn, Senator Austin and others in this chamber, who had the privilege of working directly for Pierre Trudeau had the opportunity on a number of occasions to witness the interaction between the father and his sons. One occasion I recall was Thanksgiving weekend, 1981. I remember it because it was three weeks before the final meeting of first ministers that led to the patriation of the Constitution. Pierre Trudeau and I were working on a number of things at Harrington Lake, just the two of us. His mind was totally and utterly focused, as only he could focus on an issue when he was intellectually engaged. In the middle of the meeting, one of his sons ran in with a minor problem. In an instant, Pierre transformed himself from being the powerful intellectual, the statesman, the government leader, into a father dealing with the problems of a 10-year-old child. The child was told that if he went outside and played, Pierre and I would come out and play ball when we were finished our work. When that two or three minutes had passed, in an instant Pierre was back once again as the focused, absolutely concentrated, intellectually powerful individual that he was.

I can think of a number of similar vignettes that were incredibly impressive simply because they showed the man's capacity to be all of the powerful government leader that the public saw him as and all of the wonderfully good father that all of us would like to be.

Honourable senators, as Canadians look back on the last four or five days, we are clearly grieving the loss of a former prime minister and many of us in this chamber are grieving the loss of a friend. But Canadians have also been extremely proud of the accomplishments of the public life of Pierre Trudeau. I suspect that, particularly after yesterday, if Pierre Trudeau himself could have watched these events, he would have said that his greatest accomplishment and the one of which he was most proud was his accomplishment as a father.

Hon. Peter A. Stollery: Honourable senators, I am proud to have been a political supporter of Pierre Trudeau, having been a member of that great Liberal caucus between 1972 and 1984. Actually, I supported Pierre in all five of his elections by working for Charles Caccia in 1968 and by being honoured by the generous electors of Spadina in Toronto to be their representative in 1972, 1974, 1979 and 1980. Of course, they did not vote for me, and I always knew that. Many MPs think the electorate votes for the candidate. They were not voting for me; they were voting for Pierre Elliott Trudeau. I just happened to be there.

What an experience that was, honourable senators. None of us who were there will ever forget the spirit in that caucus with our leader Pierre Trudeau. We marvelled at his ability to sum up at the end of the meeting whatever it was we had been discussing. It was an astounding business, and I saw it hundreds of times.

For much of the time, we were not high in the polls. I remember the figure of 27 per cent. There were some pretty low numbers over those years, but the caucus did not waver. We would go out the door after he spoke to us and pick up our spirits, knowing that we were supporting the right man for the country. It is a thing we are very proud of, and we talk about it when we meet.

At the reception yesterday after the funeral, I met a former MP from Quebec from those days, and we talked with such pride about the discussions that surrounded the Charter of Rights. We have heard people talk about the notwithstanding clause and what a terrible thing it is. I remember those discussions, and they did not all happen in one meeting of the caucus. We had quite a few meetings on that subject. Various versions of the Charter of Rights were brought to us. The argument was that the premiers would go for this but they would not go for that. Finally, Pierre said that we could get the Charter if we would agree to the notwithstanding clause; but the only way we would agree to the notwithstanding clause, he told us, was if it had to be put to the legislature every five years. He said that Canadians will not, on a long-term basis, support their provincial governments taking rights away from their citizens. That is how we got the Charter of Rights, and we feel pretty good about that.

Honourable senators, Pierre Trudeau was a friend of mine. I got to know him here in Parliament and also when he joined the Arctic canoe club to which I belong. He was a wonderful companion. Many senators here know what I am talking about when I mention the twinkle in his eye. He had that unusual way of discussing issues and of summing things up, and he did it not just in public conversation but also when we were chatting and discussing something that certainly was not an affair of the state.

Being Pierre's friend was an experience. Many times I walked with him through the streets of Montreal. It was an odd and almost an unsettling business because sometimes people would not look at him, and I knew they were making a point of not looking at him. Other times people would come up and introduce themselves. I knew that I was in the company of a great man. How often do any of us have the opportunity to walk down the street in our home town with one of the great men of our history?

Honourable senators, I do not want to take up the time of the Senate. I think so much has been said that it becomes superfluous. Pierre Trudeau was a friend of mine. I had many, many experiences with him, and not just on Parliament Hill. I am greatly saddened by his death, and it is my wish that his soul rests in peace.

[Translation]

Hon. Lise Bacon: Honourable senators, on Thursday last, we learned that a giant of a man was gone.

During his lifetime, he did everything to bring us Canadians together. From coast to coast, Canadians of every linguistic and ethnic background united their voices in celebrating not only the memory of the man but his political achievements as well.

The legacy of Pierre Elliott Trudeau is enormous. In the past few days, we have taken a second look through the photo archives at both our youth and the birth of modern Canada. He gave form to the hopes and aspirations of a generation through his panache and charisma, and through his work and his action he marked Canada for ever.

Ask a Canadian to define modern Canada in a few words. There is a good chance bilingualism, multiculturalism and the Canadian Charter of Rights and Freedoms will be mentioned most often. These concepts and policies are the gems Pierre Elliott Trudeau has bequeathed to us.

Some of his adversaries in Quebec have often accused Pierre Elliott Trudeau of trying to crush Quebecers. Blinded by their goal, they never grasped the real meaning of Pierre Elliott Trudeau's political action. Far from wanting to demean Quebecers, Pierre Elliott Trudeau wanted to raise them and make them equal citizens with other Canadians. Instead of hemming them in within Quebec, he wanted them to be able to take their rightful place within Canada and then in the world, and he succeeded.

Like all of you, I was moved by the spontaneous outpouring of affection and respect for Pierre Elliott Trudeau. The extent of it expresses Canadians' feeling of being left somewhat orphaned today. At the same time, what all these Canadians have said gives me hope. They are showing that the dream of Pierre Elliott Trudeau lives on despite his passing. It is the duty of each of us to continue his work.

[English]

• (1550)

Hon. Anne C. Cools: Honourable senators, I rise to join colleagues in paying tribute to Pierre Elliott Trudeau. To me, he shall always be Mr. Trudeau, this exciting man, this exceptional man who touched us all and touched us deeply.

Honourable senators, last Monday morning, October 2, around 8:00 a.m., I watched as Mr. Trudeau's casket was carried away from these buildings. I reflected deeply that Mr. Trudeau had come to Parliament for the last time. I reflected on the fact that he was leaving forever. For those of us who knew Mr. Trudeau well and who served him loyally, that was a hard and difficult moment. I grieved. In media interviews about him I mused on the famous stanza from Robert Louis Stevenson's poem, *Requiem*. Poets speak where we so often fail and speak so eloquently. There are times to turn to the muses. The stanza I refer to from *Requiem* reads as follows:

Here he lies where he longed to be;
Home is the sailor, home from the sea,

And the hunter home from the hill.

Honourable senators, yesterday at Mr. Trudeau's funeral at Montreal's Notre-Dame Basilica, his son Justin referred to another very famous poem, often quoted by Mr. Trudeau, called *Stopping by Woods on a Snowy Evening*, written by

Robert Frost. Some of us here will remember that poem. Its last stanza reads:

The woods are lovely and dark and deep.
But I have promises to keep,
And miles to go before I sleep.
And miles to go before I sleep.

Justin Trudeau played with those words yesterday, but I reflected on those words and the series of events that led up to Mr. Trudeau's use of those particular words. I recalled his May 22, 1979 defeat; his November 21, 1979 announcement that he was quitting politics; the December 13, 1979 Liberal defeat of Mr. Clark's government in a vote of confidence in the House of Commons; the December 18, 1979 redraft of Mr. Trudeau to lead the Liberals in the coming election; and Mr. Trudeau's stunning February 18, 1980 election victory, which returned him to power as Prime Minister. Mr. Trudeau said that he had promises to keep and miles to go before he sleeps. Mr. Trudeau sleeps now.

Honourable senators, I was one of the many who served Mr. Trudeau. I was one of his candidates in what many of us remember as a very deadly general election, the 1979 election. Many of us will remember that Mr. Trudeau was, literally, almost destroyed politically. One also has to remember that I am a black person. When I presented myself as a Liberal candidate in Toronto in 1978 and 1979 it was indeed novel; indeed, novel. I do not talk about these things very often, but that 1979 general election was such an ordeal; it was very rough. The predators were out to hurt Mr. Trudeau and to take him out, as they say, in the general election, but there is one private matter I would like to share with honourable senators. There were many enemies trying to hurt Mr. Trudeau, and one of the ways that one could have hurt Mr. Trudeau in those days was to try to demonstrate that there was so much racism against me that, of course, the voters would never ever vote for me. I see Senator Isobel Finnerty here. She remembers these events very well. I want you to know that whenever my campaign team encountered a sign on which someone had scribbled "nigger," or whatever, we raised no issue publicly. My campaign workers and myself went around in the dead of the night and replaced those signs personally, because we wanted no stain or scar on Mr. Trudeau. That is the depth of feeling I had about this man.

Honourable senators, in the lead-up to the 1979 general election, Senator Finnerty will remember very well that in October 1978 there had been a spate of by-elections across Ontario. There were seven, I believe. We lost every single one, and of the seven, there were five that we had previously held as Liberals. We lost all of those. Mr. Trudeau was discouraged and quite despondent.

Honourable senators, I remember at the time that Senator Royce Frith had been talking to me and had told me how despondent Mr. Trudeau was. I remember, honourable senators, that that was on October 16. Two days later, on October 18, an article written by John Hay appeared in the *Ottawa Citizen*. The headline of that article written by John Hay read: "Cools still waiting in Liberal wings." Remember, this was 1978 and the anti-Trudeau sentiment was rising. In that article, John Hay quoted me and wrote about me, saying:

There is also her deep attachment to Prime Minister Trudeau himself, a subject that animates her more than most things.

Then he quoted me:

"I have great admiration, affection and esteem for the prime minister... The man is a giant."

That is where that expression comes from: "The man is a giant."

My friends told me that this article was immediately placed before Mr. Trudeau that morning and that it was a great source of strength for him. I am sure that all of us here as party members understand what happens in a political party and a political caucus when the leader seems to be faltering.

Honourable senators, I would like to share one more example of what I consider to be a great act of loyalty on my part to Mr. Pierre Elliott Trudeau. I would like to share with honourable senators what I believe was my greatest act of loyalty to this particular man. Loyalty is very difficult to come by.

On October 1, 1992, at the Maison Egg Roll in Montreal, I attended the monthly meeting of the newly revised magazine *Cité libre*. I had attended that meeting to support Mr. Trudeau that night, as he was about to speak on the Charlottetown accord. The political context was the pending October 26, 1992 national referendum on the Charlottetown accord. Mr. Trudeau felt quite rejected by the Liberal Party, as the Liberal Party of Canada had rejected his conception and vision of Quebec in Canada and had chosen to support the Charlottetown accord.

• (1600)

In *The Toronto Star* of October 2, 1992, in an article by Patrick Doyle and Sandro Contenta headlined "Trudeau says No. Put emotions aside, voters urged" these journalists wrote about Mr. Trudeau, saying:

He then joined the small head table, which included his guests, Senator Anne Cools, Liberal MP Charles Caccia...

Honourable senators, Senator Jacques Hébert had extended that invitation to me, and Liberals, especially those appointed by Mr. Trudeau, were in very short supply. As a matter of fact, they were very scarce. Senator Marcel Prud'homme was there as well. At that meeting Mr. Trudeau denounced the Charlottetown accord with the words, "...they have made a mess and this mess deserves a big No."

Honourable senators, the results of that referendum are well known. It was defeated. The Charlottetown accord was defeated, and Mr. Trudeau's intervention was critical in that defeat. Mr. Trudeau told me himself that it meant a lot to him that I was there sitting next to him that night.

Honourable senators, I come to what in my mind is the greatest and the most memorable aspect of Mr. Trudeau's life. That night, at that *Cité libre* event, I was, as always, deeply touched by the close relationship between Mr. Trudeau and his

son Justin. Yesterday at the funeral, I watched both Justin and Sacha as that close relationship with their father was made apparent to this nation. Canada joined in that closeness when Justin, in his eulogy, related his own account of his realization of the wonder of his father — the wonder of Mr. Trudeau as a man and the wonder of Mr. Trudeau as a father.

Honourable senators, Mr. Trudeau's greatest legacy is not his legal or intellectual activity, not his constitutional pursuits, not his political triumphs nor his defeats. Historical judgment is still out on the Charter, for example. His greatest legacy is not his encounters with nature and the outdoors. Undoubtedly his achievements are many. His greatest legacy is his encounter with parenting. For some time now, the imagery of Mr. Trudeau with one or all of his three boys — Justin, Sacha and Michel — has become the dominant image of this man.

Two years ago, when Mr. Trudeau lost his son Michel, the entire nation joined him and mourned with him. I can tell my honourable friends that today Canadians think of Mr. Trudeau primarily as a man who, despite his greatness as a statesman, despite all his important matters of state, had time, and a lot of time, for his three little guys.

Mr. Trudeau once told me that children came to him late in life, at an age when he could actually appreciate the blessing that they were. That is an astounding statement.

Honourable senators, in closing, I wish to say that Mr. Trudeau's greatest legacy is a personal one that resonates with all Canadian parents who struggle, sometimes in the face of adversity, to raise their children. His greatest legacy is that of being a parent. His greatest contribution to Canada has been his achievement as a parent and his contribution to fatherhood. His greatest achievement has been his excellence as a father, which is accompanied by the fact that despite a divorce he always supported the rights of the boys' mother and the boys' rights to have her as their mother. Of Mr. Trudeau, it can be said that he was the greatest father of them all. I am of the opinion that history will treat Mr. Trudeau as a father in the same vein as Saint Thomas More, who had a very unique relationship with his daughter.

Honourable senators, when Mr. Trudeau telephoned me in January 1984 to appoint me to the Senate, he told me many things. One of the things he told me in particular was that he liked my struggle never to be bound by race or gender. Then he also told me that he wanted me to promise him that on coming to the Senate I would continue to work with families in difficulty and families in conflict. As Justin said yesterday, his father kept his promise. Honourable senators, I am keeping mine.

Honourable senators, Mr. Trudeau's journey is over and his job is done. I celebrate his life. Mr. Trudeau has gone home to meet his maker and to give account of himself. I send my love and my support to his family, particularly to his sister and his children, and I also send the love of all of us. There were many who had the privilege to serve him, who served him in good times and who served him in the hard times, and that is the service that counts.

Hon. Charlie Watt: Honourable senators, I will begin in Inuktitut.

[Senator Watt spoke in his native language.]

The man who led us for a number of years has left us behind. He was a great man, a man with feelings, a man with whom I have interacted in a number of different ways. I did not know this man when I returned to my isolated community in 1965, but I came to know him very quickly when he entered federal politics and began to make sparks. I did not know what to expect at that time. I had just arrived back home after receiving an education in the south. When I arrived, I found a great mess in my community. My own survival was in jeopardy. In 1965, two levels of government were trying to get the Inuit under their jurisdiction. At that time, we had a very strong leader of the opposition, John Diefenbaker. Although I was only a young man, I had the privilege of dealing with him directly.

I believed that someone had to speak out to make the rest of Canadians understand us as a people and understand how we survive in the North. I knew that it was a big job, but I was full of energy. Some of my colleagues here today are fully aware of my efforts in those early years. Some of them were close to the Prime Minister at the time, and I had the privilege of dealing with them at that time as well.

• (1610)

There are two areas in which I dealt with Prime Minister Trudeau that I recall more than any others. The first was Bill 101, when I decided to take on René Lévesque with regard to the language issue. Every now and then I would read in the newspapers a quotation from Pierre Elliott Trudeau, and it gave me a great deal of encouragement to continue on behalf of not only my own people but the entire nation, because I could not accept having Quebec isolated from the rest of the country. In the same spirit as Prime Minister Trudeau, I believed that the country must remain united.

Honourable senators, I also had the privilege of dealing with Prime Minister Trudeau, directly as well as indirectly, leading up to the patriation of the Constitution. I remember one instance very clearly. I had an appointment to meet with him at 24 Sussex Drive, along with a few other politicians. I specifically remember that Senator Michael Kirby was there because the Prime Minister asked him whether what I wanted to do made sense.

During the negotiations preceding the patriation, there were first ministers meetings during which the Prime Minister repeatedly reassured me that I need not worry, that my demands would not be taken out of the resolution. However, due to his strong commitment to the Charter of Rights and Freedoms, he eventually had to make some trade-offs, and he told me that. I am not sure how I responded, but it must have been effective because I had a meeting with him shortly thereafter.

My only request of him was to give us at least a week to see whether we could flush out the premiers. We wanted to take the battle into our own hands. I did not see the need for the Prime

Minister to be directly involved because I believed that it was the fight of the aboriginal people.

Whether by accident or design, when our Constitution was drafted the aboriginal people were left out. In 1982 or 1983, section 35 was entrenched in the Constitution. That gave us a little more than we had previously, but a trade-off had to be made. The Prime Minister and the premiers decided that we could be brought back into the resolution by adding the word "existing," and that was done. To me, that was like a summersault. However, it was much better than what we had previously.

I have many good memories of my dealings with Prime Minister Trudeau. I will miss him a great deal because I have always known that when we encountered problems in this country he was not afraid to say publicly exactly what he thought. We have no one else like him in that regard. However, we heard his son yesterday, and I and many others from the North were very touched by what he had to say. Justin said that he was raised by his father to respect all people and to treat all people in the same way. Justin said that this is not the end, and I think we all understood what he meant.

We still have much work to do. Prime Minister Trudeau laid the foundation and now we must build upon it to make it work. We have to begin to implement what we have put together in the Constitution. That is the challenge for every one of us.

Aboriginal people in this country are not always considered to be responsible people. The fact is that among all peoples in this country there are those who are responsible and those who are not. It is that way with every society in the world. Let us not paint everyone with the same brush and engender feelings of hopelessness. There is always hope and our society will continue to move forward.

One of our colleagues here said that we feel empty. We may feel partially empty, but I do not think Pierre Elliott Trudeau would want us to feel empty. He has fulfilled our needs, and it is now up to us to move forward and live up to the goals that he set for this country.

[Translation]

Hon. Marcel Prud'homme: Honourable senators, I had the honour of meeting Mr. Trudeau as long ago as 1953. It was at the Canadian Institute on Public Affairs in Sainte-Adèle, where an annual meeting was held of those who were said at the time to have nothing in common except that they were all against Duplessis. There I was at age 18, meeting all the people who were later to become the movers and the shakers in the economic, political and social life of Canada.

Mr. Trudeau went on to become the leader of a movement that was called "le Rassemblement." This movement is not well known, but a few journalists have referred to it in recent days. I have my membership card to this day. It dates back before the 1960s and bears the signature of Mr. Trudeau.

You know, there are only three of us in Parliament that predate the beginning of Mr. Trudeau's last career, his career in politics. Mr. Gray was elected in 1962, Mr. Chrétien in 1963, and I myself had the honour of replacing our Senate colleague Mr. Denis, with my election in February of 1964.

I could take all the rest of the day to speak to you of all the facets of this extraordinary character, of whom we have heard so much in the past few days.

• (1620)

Mr. Trudeau had a very personal way of working. This summer, I sorted through 200 of the boxes that will go to the national archives one day. I discovered once again the way Mr. Trudeau could operate on occasion, when he wanted to get results without direct involvement. I learned more than I knew about this myself from a book published in the United States in 1971, titled *New Exile*.

[English]

I will paraphrase parts of that book. It said that, in reality, even before *The Washington Post* appeared, Trudeau had indicated privately to a young Liberal Party MP from Montreal, Marcel Prud'homme, that he would not be against Parliament bringing pressure to bear against the immigration department's recent entry deserter policies. The book said that Trudeau apparently preferred to have nothing to do with it himself but was once reported to have said he would step in if Parliament did not. It went on to say that Prud'homme had awaited just such a signal from his party's leader and, thereupon, brought together 25 Liberal MPs who met with Minister MacEachen and urged him to change his policy.

The book's conclusion reads that after several more Liberal Party caucuses sponsored by Prud'homme and fellow MP David Weatherhead from Toronto, at which a party majority declared itself in favour of change, MacEachen finally announced on May 22, 1969 that if a serviceman from another country meets our requirement of immigration he will not be turned down because he is still in the active service of his country.

That is how I became involved in one of the most explosive issues of the day. I had never spoken in public about that issue and became the instrument in the hands of Mr. Trudeau to divide the Liberal Party so that he could then intervene. The Liberal Party of that day was totally opposed to admitting American deserters and draft dodgers.

In 1974, one of the most controversial years in the history of the United Nations, Mr. Trudeau did me the great honour of appointing me to the United Nations as a delegate of Canada.

Canada's ambassador to the United Nations at that time was Mr. Saul Rae, the father of John Rae and Bob Rae. The United Nations was under the chairmanship of Mr. Bouteflika, Minister of Foreign Affairs, who disappeared eventually. He is now back as president of Algeria. It was my decision to stand up to applaud Mr. Arafat, who was speaking for the first time at the United Nations.

[Translation]

This is when the world landed on my head, and shoulders, and the caucus in a rage, wanted me recalled. The entire Canadian press and Mr. Diefenbaker in Parliament were up in arms against me, saying that I should be recalled. And yet, Mr. Trudeau, with his usual patience, left me in my post at the UN until the end of my term, that is, until the end of December 1974.

On my return, I was very distressed, because I saw my political future — which had never really begun, in any case — disappear on the horizon. And then, in May 1975, Ms. Viau, my very loyal secretary, a bit like Ms. Bondar, in the case of Mr. Chrétien, whom I salute in passing, called me to say the Prime Minister wanted to speak to me. And so once again, discreetly, as everyone was thinking my career was truly over because of the outrageous things I had done, Mr. Trudeau asked me, being the last to respond to the invitation by Mr. Saddam, to be his official representative at the reopening of the Suez Canal in June 1975.

And so over the years Mr. Trudeau, who should have been putting me in my place by giving me the silent treatment, never discouraged me in my chosen goal, that of being a living witness to the truth in the Middle East. I could quote — but I will spare you, because I will publish it — all of the events that have occurred since then. Among others, he asked me to accompany him to the United Nations, to the Conference on Disarmament.

[English]

Suddenly, I was supposed to disappear. He said that I was to accompany Mrs. Trudeau to Japan. I was honoured. Mr. Trudeau said: "You are going to come and meet Mr. Carter," whom I met yesterday and with whom I spoke for a long time.

That is the Mr. Trudeau that many members may not know, and have never known, but yet truly existed. I was the chairman of the Quebec caucus. I want to remind colleagues, especially new colleagues, that I was always elected in a secret ballot. I could never have aspired to be chairman of anything if the ballots would have been open. I had silent encouragement, acknowledgement, and a magnificent series of letters from Mr. Trudeau that indicated to me that if I wanted to stand up I could stand up alone. That is what I did, and I am very thankful to Pierre Elliott Trudeau for that.

I have many witnesses who are still alive. I am not going to quote them, of course. So around, without being right in the centre, as have some of honourable senators here, who were directly inside the circle, not of his friends but his circle of political advisers, I was there in the periphery of Mr. Pierre Elliott Trudeau.

I know Madam Trudeau well. She agreed to do fundraising for me, in unbelievable circumstances. It was during the last days of her living in Ottawa. I am thankful to her. I know her personally, and I offer her and her sons, as well as Mr. Trudeau's daughter, whom I do not have the honour to know...

[Translation]

I learned something from him that I would like to pass on to these young people. They should never be afraid to find themselves alone because they have said what they believed to be true — even though it may, at times, cost them dearly and even be devastating for them. If they are certain, in good conscience, that what they are defending is what must be defended, they will eventually succeed. This is what I remember from Pierre Elliott Trudeau. I would have liked to be accompanied by other honourable senators to look at the 40 books made available to the public, behind the Speaker's Chair, ten tables on each side of the House of Commons and the Senate, two books per table, until four in the morning. You could have sat down and read the testimonies, which is what I did Saturday and Sunday until the middle of the night. I hope that someday — and I am asking this to Mr. Trudeau's estate — these books will be made available to the Canadian people, so that they can read directly what Canadians — I hate the word — both "official" and ordinary Canadians have written in them. I hate the word "official" because it seems to imply that there are two types of Canadians: those who have responsibilities and the others who put their trust into those who represent them.

[English]

I do not like the term "ordinary Canadian." It is unofficial and like something in the sky that did not exist.

[Translation]

I would like people to be able to read these testimonies, and I am asking the Speaker of this house to ensure that these testimonies are kept. Hundreds of testimonies are being lost. If you were to read them, you would find some extraordinary things. I hope that these numerous testimonies can also become part of a collection that would certainly be made available to Mr. Trudeau's estate and that would eventually become part of Canada's history.

[English]

• (1630)

Hon. E. Leo Kolber: Honourable senators, I rise today to talk about a man who touched my life in a very profound way. Pierre Trudeau appointed me to the Senate in 1983, and after he retired we began a series of world travels that included my wife, my son, Senator Austin, his wife and, occasionally, a few others.

Much has been written about Mr. Trudeau and the Constitution, Mr. Trudeau and Quebec, and Mr. Trudeau and many other matters. I would like to spend a few moments speaking of Mr. Trudeau, my friend, and my little essay could be entitled "Travels With Pierre."

We actually became quite friendly while he was still Prime Minister, but our real friendship with him truly blossomed after he retired. Each year he would choose an itinerary that somehow he always wanted to do, and Senator Austin and I would try to

work out the logistics. Our *modus operandi* was that we would visit the ambassador of the country we wished to visit and tell him our intentions. The ambassador would then make suggestions as to the best way to proceed.

Our many trips included such fascinating things as being on the Trans-Siberian Railway for six nights and seven days and listening to Mr. Trudeau expand on geopolitics, while racing through the Siberian tundra. We made fantastic trips to Vietnam, Laos and Cambodia. We attended the theatre in London and New York. We went with the Brazilian Airforce into the Amazon jungle, and we spent several days with the Yano-mani tribe, probably the most primitive group of people in the world.

I would like to highlight one trip, which illustrates, in a peculiar way, the magic spell this man was capable of weaving. He had decided that he would like to follow the Marco Polo Silk Route from Pakistan into China, which took us through the Karakoram Pass and all these places I had never heard of. We met with the Ambassadors of both Pakistan and China. The Pakistani Ambassador was delighted because it seemed that Mr. Trudeau had tried to get Pakistan into the Commonwealth, albeit with no success. The Chinese Ambassador was thrilled, and he told us that we would be safe, but reasonably uncomfortable for the first part of the trip. For his part, Mr. Trudeau pointed out that he really wanted to make the trip, but agreed that going under the aegis of General Zia was pushing the envelope somewhat. General Zia was the head of Pakistan and welcomed us warmly. In fact, he was our protector for the Pakistani part of the trip. He made sure we were looked after, albeit primitively, wherever we went. As we neared the Chinese border, which was at an elevation of 16,000 feet, a call came in from the General's office to tell us that a glacier had moved, and a big lake had formed that would be in our way. In true style Mr. Trudeau told the General that perhaps we could climb the mountain around the lake, to which General Zia replied that it was dangerous and not possible, and he would make other arrangements. As we approached the lake in very misty foggy weather, we saw about 100 army engineers dressed in fatigues who had brought rafts for our crossing. We then boarded the rafts, with the jeeps, and with some of our Chinese hosts who had come to meet us. We then proceeded to the other side of the lake. As we disembarked, we noticed a little yellow school bus on the other shore. As the engineers were unloading the jeeps and other equipment, we walked towards the school bus. Remember, at this point we were truly in the middle of nowhere — we were at 16,000 feet in the Himalayan Mountains, with no roads, no vegetation, and a lack of oxygen. To our utter amazement, there were 12 tourists from the province of Quebec trying to cross the other way. When they spotted and recognized Mr. Trudeau, you can imagine the utter astonishment on their faces. It was as though the Messiah had arrived. The shouts of "Mon Dieu, c'est Pierre. Qu'est ce qu'il fait ici?" filled the air, and a sort of Canadian reunion took place. I cannot imagine anyone else pulling off such a stunt in this most happenstance way, but that was Pierre. He touched our lives in a very profound way. Speaking for my wife and myself, we shall be forever grateful. Shalom, Pierre.

Hon. Jeremiah S. Grafstein: Honourable senators, the hour is late, the evening draws nigh, the dreaded night is here, and so we come to honour Pierre Elliott Trudeau. How should we honour him? How he loved words, whether as a pamphleteer, essayist, teacher, satirist, memoirist, advocate, poet, or politician, he adored words. All his life he was most careful with his own words. Now, all we have to offer are our words to assuage the elusive feeling of loss to our own persona.

His crackling words first attracted our minds and our thoughts in the 1950s. Finally, even though we resisted, his persona captured our hearts. So we come to honour him for his words and his person.

In a strange way, looking back, it seems to me now, much of what I have said in the Senate was for a critical audience of one. I took care with my words in the Senate and relished his reactions in notes, encounters and conversations.

Why did he scorch such a significant space on the Canadian psyche? By the dint of his own energy and thoughts, he alone created a *novus ordo seclorum*, a new school of thought, a new lexicon of rights by the so-called breach birth of the Charter, a new uncommon Commonwealth. Surely, the final honour cannot be less than the accolade of acceptance by his most vitriolic opponents who, despite themselves, have adopted the Charter as their touchstone, just as his advocates have.

My first memories of Mr. Trudeau go back to the 1950s after I had first read his dashing essays on federalism. Our earliest exchange came in 1961, through a mutual friend, the late Jean David. We renewed more frequent exchanges during my first stint in Ottawa from 1966 to 1968.

He had a quick wit. On the day he finally announced his intention to run as leader of the Liberal Party early in 1968, he sent me an unsolicited photograph inscribed, "To Jerry. Next Year in Jerusalem. Pierre." Earlier, I had turned down his offer of a job. To this day, I am not sure what he meant by that note. Whether he wanted me to go or to stay, or would we meet in the "Promised Land." In any event, I left Ottawa in 1968, right after his election as leader. In October, 1972 he called for help during that ill-fated "Land is Strong" campaign, which I answered. In the midst of that campaign, I organized and co-chaired a surprise birthday party for Mr. Pearson, who was then dying of cancer. The surprise party was held in the intimate surroundings of the Maple Leaf Gardens, for 25,000 Canadians, and we convinced Mr. Trudeau to act as host. It was to be Mr. Pearson's last public event. I recall the final exchanges between Mr. Pearson and Mr. Trudeau on that evening. The rest is history.

From 1974 until 1984 he asked me as a volunteer to supervise all of his television and print campaigns and so we carried on regular written and personal exchanges on ideas and policies.

Too many personal anecdotes flood across my memory plain, many intersected on public events. Allow me to focus my thoughts on the Senate, and make a very partial public confession.

When I received a call from Mr. Trudeau early in 1984 to inform me of his decision to appoint me to the Senate, he described, in a quiet and complimentary way, the various private memos, some controversial, I had sent him over two decades. None had ever leaked, none had ever appeared in the press. He concluded with this line, "We need you in the Senate." He asked whether I needed some time to think about it. I said, "No, no, no." I was prepared to accept right then and there. I considered the appointment to be the greatest compliment ever bestowed upon me. However, I did allow that I was curious about one thing. I asked him why he had said, "We need you in the Senate." Then I heard the phone drop and a sudden burst of laughter. He picked up the phone and he politely apologized. He told me he thought I was the first person that he had ever appointed who had asked "Why?" I told him, "I am serious, Prime Minister. I accept, but I still want to know why. Why did he need me in the Senate?" He then told me something that I have never forgotten.

• (1640)

Pierre Trudeau wanted me to use the Senate as a platform for my own ideas, the same ideas, he said, that I had relentlessly pressed upon him and others in the party. He wanted the Senate to be a "house of ideas."

Shortly after my appointment to the Senate, the first issue that struck my attention was the debate of apology and compensation to Canadians of Japanese descent who had been incarcerated and their property expropriated during the Second World War. On April 10, 1984, I tabled a motion in the Senate and on May 8, 1984, I made my maiden speech on this subject. Mr. Trudeau opposed this measure. We could not forever resurrect the past, he argued. We could only change the future.

I and others felt that the case for Canadians of Japanese descent was different and could be differentiated on its facts from other similar claims. Mr. Trudeau argued vehemently that such differences would be overlooked. To do so would be an invitation for a flood of attempts to rewrite history. All we could do is not to repeat the failures of the past. We agreed to disagree.

When an apology and compensation was ultimately made by Mr. Mulroney's government, Mr. Trudeau gently chided me about the floodgate of demands and the expectation that this had indeed triggered, just as he had predicted. He rarely forgot, yet he never resented a principled or reasoned stand.

The next event, we recall, was the Meech Lake debate in 1988, right here in the Senate chamber. After Mr. Trudeau's retirement, he was most reluctant to return to public discourse. I and others convinced him that the principles captured in the Meech Lake agreement were more important than his person and that if he came to the Senate, he could make a difference.

The two-nations thesis was embedded in Meech Lake. Pierre Trudeau had fought against such a revisionist view of history his entire life. "Special status" or "distinct society" were code words for the two-nations thesis, he explained. I agreed. This, he and many of us here, could not accept.

Honourable senators, the Senate chamber echoes this evening with the eloquence of his speech and his responses. He sat in this chamber that day and argued here, alone, in the Committee of the Whole, for well over three hours. I have the transcript here. To my mind, that day he kept Canada on the fragile "One Canada" and "Canada, one and indivisible" course.

When the last referendum came, we enquired whether Mr. Trudeau had been invited to participate. We were surprised that we had not seen him on the hustings. We were told by the organizers that he was reluctant to do so. As the polls drew closer, many of us still believed that Mr. Trudeau could make the crucial difference. Calls were made to the No organizers in Ottawa and in Montreal to see how this might be done. In the last days, the No side support slid further and softened. Polls showed that the two sides were within several points of each other, within the margin of error. Still no invitation.

I concocted what I thought was a marvellous and simple plan. Mr. Trudeau, on that last Sunday before the referendum, after all the official television advertising had been completed, would take a casual morning stroll and then sit on a bench in the park near his house in Montreal. A CBC television camera crew would accidentally wander by. He would then give a final interview on that crucial Sunday and own the media that day and on Monday, referendum day.

While Mr. Trudeau was reluctant, since he had not been asked earlier, I had reason to believe that he could have been persuaded to do so, even at that late hour. The organizers in Quebec would have none of it. I believe Mr. Trudeau would have been worth at least five additional points on the No side and again history would have changed. Honourable senators, that is for learned historians to speculate.

After the referendum came a resolution presented in Parliament respecting the "distinct society." I had heard from others here on this side and in the another place that Mr. Trudeau was in agreement. I could not believe that, so I called him several times. He urged me to make a long and forceful speech against the resolution in the Senate. That was the only time from the date of my appointment that he ever asked me to do something. Others convinced me that the resolution was not important and that I should remain silent. The resolution would fade.

Honourable senators, on December 14, 1995, I made the shortest speech I ever gave in this place against the motion to recognize Quebec as a distinct society. Let me repeat it:

Come, let us now praise Canada, for Canada is a distinct society. The rest is commentary. Canadians, themselves, can count the ways.

This did not please Mr. Trudeau or anyone on this side or in the other place. I regret to this day that I did not follow his strong advice, for Mr. Trudeau believed that principles and practice march best when they march together.

Finally, honourable senators will recall the extradition bill and the discretion it gave to the Minister of Justice respecting the death penalty. Mr. Trudeau was delighted with the position some of us had taken against the measure.

When it came to the Nisga'a treaty, he again spoke quietly of his concern with respect to the compromise of some significant principles espoused in that measure.

I recount these events to demonstrate that from the time of his resignation 16 years ago as prime minister, he continued to actively follow events in Parliament, including the Senate, closely and with great and precise interest.

Honourable senators, how then are we to honour Mr. Trudeau? To hold fast to his ideas, ideas that many of us on both sides of this chamber share?

In 1979, after 11 turbulent years as prime minister, Pierre Trudeau's political fortunes had fallen to their lowest ebb. When the election started, the Liberals were lagging in the polls. The economy had been ravaged first by international then domestic inflation. The public had lost confidence in him. The regions were upset. The only area of public opinion where Pierre Trudeau still held an overwhelming lead was the leadership indices. Thus, I coined the phrase for the 1979 campaign: "A leader must be a leader."

Since that time, leaders of every political stripe in Canada, consciously or unconsciously, essay to measure themselves against the high standards set by Mr. Trudeau's innate and practised leadership skills and qualities. All others pale in comparison. Why so?

Pierre Trudeau came to politics and sought power, not for its own sake, but for a specific idea of Canada. His message was inseparable from his medium. The man became the medium. He envisaged Canada as a distinct society, a bilingual and multicultural society, and a just society fused by equality and inclusion. No one should be left out and no one should be left behind. Activist organs of government were to be re-engineered to be servants of the people. The Canadian Charter of Rights and Freedom would transform the political landscape. The individual would be placed above politicians or Parliament. In the process, alone, as I noted earlier, he created a new school of thought for us — a new and different commonwealth. Pierre Trudeau energetically, creatively and repetitively hammered home his singular message with persuasion, passion and precision designed to forge an unbreakable link with each Canadian, whether or not one agreed with him.

It is not strange, then, that each Canadian should personally measure his or her life experience against the larger-than-life figure cut by Pierre Trudeau. It certainly comes as no surprise that on his death, each and every Canadian feels an indescribable personal loss, as if somehow one's own persona were diminished. The power and depth of that response across Canada is still unfathomable and unmeasurable.

Honourable senators, we honour Pierre Trudeau because today's political discourse vibrates and resonates anew with his obsession for equality rights — the demand for rights by one group or another, by one individual or another. Each claims rights based on the individual rights and freedoms he embedded in the Charter. Pierre Trudeau had that vision. These ideas would forge Canadians together into an exciting new crucible of identity, and that has been done.

For those who were privileged to know Pierre Trudeau up close and personal or from afar, his ideas are alive. His belief in forging one Canada, one and indivisible, now and forever, has been reignited, whether it be in the Citizenship Act or other legislation to come. His ideas refuse to be diluted or diminished. He cannot be forgotten. Pierre Trudeau's heartbeat lives on.

Rereading Pierre Trudeau's early essays, as I have this weekend, is a fresh pleasure. From that electric first encounter almost 40 years ago in a Montreal bar, his penetrating intellect forced one to think harder and more clearly and to be better than we deserve. I urge all new senators to read and reread his Meech Lake evidence in the Senate as a powerful reminder of what the Senate can do if we have the collective political will.

• (1650)

Let me conclude on a personal puzzle. From whence sprang Mr. Trudeau's fountain of ideas? I often asked him and myself that question. What motivated him? I began to read, and reread carefully, the ideas of Mounier, Acton, Newman, Maritain, Gilson, Berlin, and even the poet Saint-Exupéry. Trudeau prided himself as a contrarian who went against the grain, an anti-nationalist, especially when people wrapped the mantle of nationalism around them, which they needed for their own insecure comfort and needs. I reread the *Spiritual Exercises* of St. Ignatius and the *Interior Castle*, written by St. Teresa of Avila, and delved into the works of St. Thomas and St. Bonaventure. "Know thyself," "know thyself," these works proclaimed. Was it these thinkers or more simply the premature loss of a father we shared that forced one to think independently and differently, against the grain? We shared a fascination with the mysteries of China and the Lubavitch movement. Above all, he relished the expression of ideas and phrases, both written and spoken.

When he came to office, he surrounded himself with creative thinkers, like his closest friends, Gérard Pelletier, Jacques Hébert, the late and most lamented Fernand Cadieux, the unsung McLuhan of French Canada, Jean LeMoyne, the poet he appointed to the Senate, Eugene Forsey, Jean Louis Gagnon, that great Quebec Liberal who, in the 1930s, stood up alone against the Duplessis tide, or Rod Chiasson, or my old friend and confidant, now in England, Roy Faibish.

One hour with Trudeau, honourable senators, became a gruelling intellectual workout, like an inept middleweight sparring partner against a heavyweight champion. Amplified by Mr. Trudeau's capacious memory, for he could remember

precisely what one had said long after one had forgotten, he could always sneak in a jab or a telling counterpunch.

He frustrated us with his excellence just as he inspired us. Just as he relentlessly drove himself to inner standards of excellence, he inspired each of us to drive ourselves intellectually and professionally well beyond our meagre talents. In the same way, he concentrated his own bundle of energy and singular talent to drive Canada to be better than even we could dream. The dream lives on, inspiring us anew. Trudeau's heartbeat is alive. The mystery of Trudeau's persona still eludes us. We hardly knew him. No one did.

Deo gratias. Deo gratias. Pierre, thank God for the pleasure of your company.

Deo gratias. Deo gratias. Visio est tota merces... Visio beatifica.

Vision is the full reward. Your vision is blessed.

And so, honourable senators, the beat goes on!

The Hon. the Speaker: Honourable senators, I see no other honourable senator rising. Before I ask you to rise and join me in a minute of silence, I would simply like to say that it had been my intention earlier today to ask the Speaker *pro tempore* to take the Chair so that I could participate in the debate honouring my long-time friend, my leader, the man who appointed me to this chamber 30 years ago less three days, but the speeches have been so eloquent that I do not feel it necessary to do so. I simply want to join in the statements that have been made.

Would you now rise and join me in a moment of silence.

Honourable senators then stood in silent tribute.

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STANDING JOINT COMMITTEES—MESSAGE FROM COMMONS

The Hon. the Speaker informed the Senate that the following message had been received from the House of Commons:

Wednesday, September 27, 2000

IT WAS ORDERED,—That the Standing Joint Committees be composed of the Members listed below:

Library of Parliament

Members: Assad, Catterall, Clouthier, Doyle, Finlay, Harb, Karygiannis, Lavigne, Lill, Malhi, Mayfield, Mercier, Plamondon, Redman, Reynolds, Ritz—(16)

Associate Members: Davies, Dumas, Tremblay (Rimouski—Neigette-et-la Mitis)

Official Languages

Members: Bélanger, Bellemare; Bonin, Bulte, de Savoy, Godin (Acadie—Bathurst), Grey (Edmonton North), Hill (MacLeod), Kerpan, Kilger, Lavigne, McTeague, McWhinney, Muise, Plamondon, Proulx—(16)

Associate Members: Chrétien (Frontenac—Mégantic), Dumas, Mercier, Nystrom, Turp, Tremblay (Rimouski—Neigette-et-la Mitis)

Scrutiny of Regulations

Members: Assad, Bonwick, Bryden, Casey, Comuzzi, Cummins, De Villers, Grewal, Lebel, Murray, Myers, Nystrom, Pankiw, Pillitteri, Venne, Wappel, White (North Vancouver)—(17)

Associate Members: Bellehumeur, Dockrill, Guimond, Tremblay (Rimouski—Neigette-et-la Mitis)

That a message be sent to the Senate to acquaint their Honours of the names of the Members to serve on behalf of this House on the Standing Joint Committees.

ATTEST

WILLIAM C. CORBETT,
The Clerk of the House of Commons.

SENATORS' STATEMENTS

NATIONAL CO-OP WEEK

Hon. Catherine S. Callbeck: Honourable senators, I rise today to speak about the important role that cooperatives have played and continue to play in the development of many areas of Canada — not just economic development but important community and social development as well.

National Co-op Week will be held October 15 to 21. It is a time to celebrate what the cooperative movement has meant to so many Canadians. I am very proud of the level of involvement the people of my home province have displayed within the co-operative movement through the years. In fact, almost 28,000 Prince Edward Islanders are members of Co-op Atlantic organizations.

Co-ops and credit unions invest in the communities in which they are located, and the results of those investments are tangible. The investments remain in the communities and help to foster further development. They provide good jobs and good services to the communities, developing a very positive cycle of investment and return.

Across Canada, there are 10,000 cooperatives and credit unions, all providing this type of positive community

development and investment. There is no question that Canada, as a whole, is much stronger because of these institutions. More than 135,000 Canadians are employed in co-ops and credit unions from coast to coast. In total, these institutions have over \$100 billion in assets, making them a major force in the Canadian economy.

It is the people involved in the co-op movement who have made it such a force. In particular, I would like to take a moment to recognize a former colleague of mine who was recently recognized for his outstanding efforts in support of the co-operative movement in Prince Edward Island.

Leonce Bernard of Wellington was named Co-op Atlantic's member of the year at the organization's annual general meeting held in Sydney, Cape Breton. Mr. Bernard's tireless dedication to his home community is almost legendary in my home province. I would like to commend him for his good work.

EFFECT OF CLIMATE CHANGE ON THE ARCTIC

Hon. Charlie Watt: Honourable senators, I have some information to share with you about what I personally encountered this summer. This may be shocking information to some of you, but I feel it is important enough to ensure that it goes on the record today. I have already spoken about the matter to the Liberal caucus and the Quebec caucus, including the national caucus, but I have not yet spoken about the matter here. It involves the climate change in the Arctic.

Honourable senators, we must seriously begin dealing with this issue, because it is here now. I say that, honourable senators, because I have encountered a huge number of polar bears this summer where I have never witnessed any before. Why is that? It is because the ice is melting in the Arctic. The polar bears are roaming around inland rather than staying out on the ice because they have to eat somewhere.

For that reason, we have been flooded with a huge number of polar bears in Ungava Bay this summer. Our outpost camps all around the coast, from the Labrador site upwards, were full of polar bears. We managed to knock down some of them, but not all of them, because we must respect the laws and we do not want to kill bears just for the sake of killing them. We only took the ones that were endangering human life. We opened up their stomachs to see if there was anything in them but we found absolutely nothing. That tells us that something serious is happening in the Arctic. I also encountered an early spring in the month of May. In May, caribou normally have calves that weigh between 4 pounds and 5 pounds. This year, they weighed between 2 pounds and 3 pounds. The calves could not even reach their mothers to milk.

• (1700)

For that reason, I took it upon myself to knock down a few to see what was happening to those cows who are full of milk and who no longer have calves following them. They are all drying up inside. I do not know what will happen to them.

As well, honourable senators, the vegetation in the Arctic is growing wild. Vegetation is everywhere, growing in places it has never grown before.

All kinds of insects, which were never before seen, are starting to appear in the Arctic. It is becoming a little scary to be out in a tent because we do not know what they can do and whether they are poisonous.

A great many unknown factors are occurring in the Arctic today. Our government — and, in fact, all political parties, even those in the international community — will have to take this matter seriously. It is here and it will not disappear.

Today, I had the privilege of having a short exchange with the Minister of the Environment. I pointed out to him some information I culled from the Internet this morning concerning Inuit observations on climate change. I put a figure to this situation.

If we continue trying to reinvent the wheel while not being able to identify the actual problem, then we will be repeating ourselves again, honourable senators.

ROUTINE PROCEEDINGS

PRIVILEGES, STANDING RULES AND ORDERS

NINTH REPORT OF COMMITTEE TABLED

Hon. Richard H. Kroft: Honourable senators, on behalf of Senator Austin, I have the honour to table the ninth report of the Standing Committee on Privileges, Standing Rules and Orders.

Honourable senators, the ninth report of the committee informs the Senate that the committee has revised the March 1996 edition of the *Rules of the Senate*. Since March 1996, there have been four rule changes.

Rule 137 was added on February 19, 1998. Rule 138 was added on June 9, 1998. Rule 1(3) was added on February 9, 1999. Rule 22 was amended on June 27, 2000. All of these changes are incorporated in the new rules book, which will be circulated to all honourable senators shortly.

PRIVACY COMMISSIONER

NOTICE OF MOTION TO APPROVE APPOINTMENT OF GEORGE RADWANSKI

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I give notice that tomorrow, Thursday, October 5, 2000, I shall move:

That in accordance with Section 53 of the Privacy Act, Chapter P-21 of the Revised Statutes of Canada 1985, the Senate approve the appointment of George Radwanski as Privacy Commissioner.

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I move, with leave of the Senate and notwithstanding rule 58(1)(a):

That the Standing Senate Committee on Energy, the Environment and Natural Resources have power to sit while the Senate is sitting today, and that Rule 95(4) be suspended in relation thereto.

The Hon. the Speaker *pro tempore*: Honourable senators, is leave granted?

Hon. Senators: Agreed.

Motion agreed to.

FISHERIES

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Gerald J. Comeau: Honourable senators, might I, too, ask leave of the Senate for the Standing Senate Committee on Fisheries to have the power to sit while the Senate is sitting today, and that rule 95(4) be suspended in relation thereto?

The Hon. the Speaker *pro tempore*: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

MANITOBA CLAIM SETTLEMENTS IMPLEMENTATION BILL

FIRST READING

The Hon. the Speaker *pro tempore* informed the Senate that a message had been received from the House of Commons with Bill C-14, respecting an agreement with the Norway House Cree Nation for the settlement of matters arising from the flooding of land, and respecting the establishment of certain reserves in the province of Manitoba.

Bill read first time.

The Hon. the Speaker *pro tempore*: Honourable senators, when shall this bill be read the second time?

On motion of Senator Hays, bill placed on the Orders of the Day for second reading two days hence.

CANADA-CHINA LEGISLATIVE ASSOCIATION

REPORT OF VISIT OF CO-CHAIRS TO CHINA TABLED

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the fourth report of the Canada-China Legislative Association regarding the visit to China in May 2000 of the co-chairs.

THE SENATE

NOTICE OF MOTION TO CHANGE *RULES OF THE SENATE* TO ACCOMMODATE CLARITY ACT

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I give notice that on Tuesday next, October 10, 2000, I will move a proposal for a Senate rule change to accommodate the Clarity Act. I shall move that:

1. Rule 26 of the *Rules of the Senate* be amended:

(a) by adding the following before section (1):

Constitutional Business

(1) Orders of the Day under rule 26.1

(b) by renumbering sections (1) and (2) and all cross-references thereto accordingly.

2. The *Rules of the Senate* are amended by adding the following after rule 26:

QUESTION CONSIDERED

26.1(1) Immediately after the government of a province tables in its legislative assembly or otherwise officially releases the question that it intends to submit to its voters in a referendum relating to the proposed secession of the province from Canada, motions to refer the question to Committee of the Whole for consideration and report may be moved without leave at the next sitting of the Senate, and, if moved, must be considered and disposed of in priority to all other orders of the day.

CLEAR MAJORITY CONSIDERED

(2) Immediately after the government of a province, following a referendum relating to the secession of that

province from Canada, seeks to enter into negotiations on the terms of which that province might cease to be a part of Canada, motions to refer the subject of the clarity of the majority achieved in the referendum, to Committee of the Whole for consideration and report may be moved without leave at the next sitting of the Senate, and if moved must be considered and disposed of in priority to all other orders of the day.

ORDER OF BUSINESS

(3) Notwithstanding rule 23(8), the Speaker shall call for motions under this rule as the first item of business after question period.

PRIORITY

(4) In Orders of the Day, motions shall be considered and disposed of in the following order: a motion, if any, by the Leader of the Government; a motion, if any, by the Leader of the Opposition; motions, if any, by other Senators.

DEEMED DISPOSITION

(5) Only one order of reference at a time may be made under subsections (1) and (2), and as soon as an order of reference is adopted, with or without amendment, the remaining motions fall from the Order Paper.

TRANSMISSION OF FINDINGS

(6) When the Senate adopts a resolution in respect of a report received and considered under subsection (1), which shall be within 15 days of the commencement of proceeding under subsection (1), the Speaker of the Senate shall transmit copies of the resolution and of all proceedings held under this rule in the Senate and in Committee of the Whole, including an integral copy of every representation made under this rule, to the Speaker of the House of Commons and to the Speakers of each provincial and territorial legislative assembly in Canada.

PROVINCIAL REPRESENTATION

(7) Where an order is made under subsection (2), the Clerk of the Senate, immediately following the adoption of the report, shall invite the government of every province and territory to make verbal or written representations to the Committee of the Whole, and every province and territory that replies in the affirmative shall be given reasonable opportunity to do so.

MINORITY REPRESENTATION

(8) Where an order is made under subsection (2), the Committee shall decide which representatives of the Aboriginal peoples of Canada and of the English and French linguistic minority population of each province and territory should be invited to make verbal or written representations to the committee, and every representative who replies in the affirmative shall be given reasonable opportunity to do so.

TRANSMISSION OF FINDINGS

(9) When the Senate adopts a resolution in respect of a report received and considered under subsection (2), which shall be within 15 days of the commencement of proceedings under subsection (2), the Speaker of the Senate shall transmit copies of the resolution and of all proceedings held under this rule in the Senate and in Committee of the Whole, including an integral copy of every representation made under this rule, to the Speaker of the House of Commons and to the Speakers of each provincial and territorial legislative assembly in Canada.

• (1710)

QUESTION PERIOD

THE SENATE

ABSENCE OF LEADER OF THE GOVERNMENT

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, the Leader of the Government in the Senate, our representative in the government, is unavoidably away due to cabinet business. Accordingly, I would offer to take notice of any questions that senators may wish to put.

[Translation]

FOREIGN AFFAIRS

SUMMIT OF THE AMERICAS

Hon. Marcel Prud'homme: Honourable senators, I would like the budding minister to give particular attention to a question I recently put to the Leader of the Government in the Senate.

[English]

You can answer in English — that is my interpretation of the function of bilingualism — but to be clear, I speak in French.

[Translation]

Honourable senators, my question had to do with the Summit of the Americas to be held in Quebec City next spring. Canada is hosting the Summit of the Americas and it is up to the Prime Minister of Canada to issue invitations to participants.

The response to my question is completely unacceptable. Since this response was public and official, it may be consulted by anyone who is interested.

I wish to say that, while I am getting on in years, I am still an excellent organizer. I therefore fully intend to mobilize public opinion in Quebec so that the Government of Canada at least takes the initiative of including Cuba in the Summit.

The meeting yesterday with Fidel Castro was an extremely warm one and the crowd applauded both Mr. Castro and Mr. Carter. I spoke with Mr. Castro, and the Prime Minister greeted him and met with him afterwards. I must say that I am somewhat responsible for encouraging them to speak to one another, but I will say more about that, if necessary, when we debate the matter.

I return to my original question. The answer I was given is totally unacceptable, considering what is going on in other countries on the issue of human rights.

There is no need to mention what will unfortunately happen in the Middle East, where, perhaps, governments will use force or be defeated by the public opinion. This situation is very serious.

I believe the time has come for Canada to take the initiative and to invite Cuba to the conference. Should this be impossible because of a decision made by the OAS, the Prime Minister should still invite the Cuban head of state as an observer. That initiative would be a first step that would lead to Cuba's becoming a full-fledged member of that organization.

I will display the same determination here that I showed when I asked that North Korea be recognized, in spite of the fact that Canada's security services are paranoid about people who, like me, have been asking for a long time that North Korea be recognized. This will now be the case; North Korea will now be recognized.

At this Summit of the Americas, which will be held in Quebec City, people would find it hard to understand why the host country did not take the initiative of ensuring Mr. Castro's presence.

I take note of your commitment to refer the question to the powers that be today. I can assure you that I will be persistent about this issue, until the end of this parliamentary session.

[English]

ORDERS OF THE DAY

WESTERN CANADA TELEPHONE COMPANY

THIRD READING—DEBATE ADJOURNED

Hon. Dan Hays moved the third reading of Bill S-26, to repeal An Act to incorporate the Western Canada Telephone Company.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition):

Honourable senators, I have been asked by my colleague Senator Oliver to move the adjournment of the debate in his name. He will speak to this item tomorrow.

On motion of Senator Kinsella, for Senator Oliver, debate adjourned.

**SALES TAX AND EXCISE TAX
AMENDMENTS BILL, 1999**

THIRD READING—DEBATE ADJOURNED

Hon. Dan Hays moved the third reading of Bill C-24, to amend the Excise Tax Act, a related Act, the Bankruptcy and Insolvency Act, the Budget Implementation Act, 1997, the Budget Implementation Act, 1998, the Budget Implementation Act, 1999, the Canada Pension Plan, the Companies' Creditors Arrangement Act, the Cultural Property Export and Import Act, the Customs Act, the Customs Tariff, the Employment Insurance Act, the Excise Act, the Income Tax Act, the Tax Court of Canada Act and the Unemployment Insurance Act.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition):

Honourable senators, I would like to move the adjournment of the debate in the name of Senator Stratton.

On motion of Senator Kinsella, for Senator Stratton, debate adjourned.

CANADIAN TOURISM COMMISSION BILL

THIRD READING—DEBATE ADJOURNED

Hon. Catherine S. Callbeck moved the third reading of Bill C-5, to establish the Canadian Tourism Commission.

Hon. Noel A. Kinsella (Deputy Leader of the Opposition):

Honourable senators, I have been asked by my colleague Senator LeBreton to move the adjournment of the debate in her name.

On motion of Senator Kinsella, for Senator LeBreton, debate adjourned.

The Senate adjourned until tomorrow at 2 p.m.

APPENDIX

Officers of the Senate

The Ministry

Senators

(Listed according to seniority, alphabetically and by provinces)

Committees of the Senate

THE SPEAKER

THE HONOURABLE GILDAS L. MOLGAT

THE LEADER OF THE GOVERNMENT

THE HONOURABLE J. BERNARD BOUDREAU, P. C.

THE LEADER OF THE OPPOSITION

THE HONOURABLE JOHN LYNCH-STAUNTON

OFFICERS OF THE SENATE**CLERK OF THE SENATE AND CLERK OF THE PARLIAMENTS**

PAUL BÉLISLE

DEPUTY CLERK, PRINCIPAL CLERK, LEGISLATIVE SERVICES

GARY O'BRIEN

LAW CLERK AND PARLIAMENTARY COUNSEL

MARK AUDCENT

USHER OF THE BLACK ROD

MARY McLAREN

THE MINISTRY

According to Precedence

(October 4, 2000)

The Right Hon. Jean Chrétien	Prime Minister
The Hon. Herbert Eser Gray	Deputy Prime Minister
The Hon. Lloyd Axworthy	Minister of Foreign Affairs
The Hon. David M. Collenette	Minister of Transport
The Hon. David Anderson	Minister of the Environment
The Hon. Ralph E. Goodale	Minister of Natural Resources and Minister responsible for the Canadian Wheat Board
The Hon. Sheila Copps	Minister of Canadian Heritage
The Hon. John Manley	Minister of Industry
The Hon. Paul Martin	Minister of Finance
The Hon. Arthur C. Eggleton	Minister of National Defence
The Hon. Anne McLellan	Minister of Justice and Attorney General of Canada
The Hon. Allan Rock	Minister of Health
The Hon. Lawrence MacAulay	Solicitor General of Canada
The Hon. Alfonso Gagliano	Minister of Public Works and Government Services
The Hon. Lucienne Robillard	President of the Treasury Board and Minister responsible for Infrastructure
The Hon. Martin Cauchon	Minister of National Revenue and Secretary of State (Economic Development Agency of Canada for the Regions of Quebec)
The Hon. Jane Stewart	Minister of Human Resources Development
The Hon. Stéphane Dion	President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs
The Hon. Pierre Pettigrew	Minister of International Trade
The Hon. Don Boudria	Leader of the Government in the House of Commons
The Hon. J. Bernard Boudreau	Leader of the Government in the Senate
The Hon. Lyle Vanclicf	Minister of Agriculture and Agri-Food
The Hon. Herb Dhaliwal	Minister of Fisheries and Oceans
The Hon. Claudette Bradshaw	Minister of Labour
The Hon. George Baker	Minister of Veterans Affairs and Secretary of State (Atlantic Canada Opportunities Agency)
The Hon. Robert Daniel Nault	Minister of Indian Affairs and Northern Development
The Hon. Maria Minna	Minister for International Cooperation
The Hon. Elinor Caplan	Minister for Citizenship and Immigration
The Hon. Ethel Blondin-Andrew	Secretary of State (Children and Youth)
The Hon. Raymond Chan	Secretary of State (Asia-Pacific)
The Hon. Hedy Fry	Secretary of State (Multiculturalism) (Status of Women)
The Hon. David Kilgour	Secretary of State (Latin America and Africa)
The Hon. James Scott Peterson	Secretary of State (International Financial Institutions)
The Hon. Ronald J. Duhamel	Secretary of State (Western Economic Diversification) and Francophonie
The Hon. Andrew Mitchell	Secretary of State (Rural Development) (Federal Economic Development Initiative for Northern Ontario)
The Hon. Gilbert Normand	Secretary of State (Science, Research and Development)
The Hon. Denis Coderre	Secretary of State (Amateur Sport)

SENATORS OF CANADA

ACCORDING TO SENIORITY

(October 4, 2000)

Senator	Designation	Post Office Address
THE HONOURABLE		
Herbert O. Sparrow	Saskatchewan	North Battleford, Sask.
Gildas L. Molgat, <i>Speaker</i>	Ste-Rose	Winnipeg, Man.
Edward M. Lawson	Vancouver	Vancouver, B.C.
Bernard Alasdair Graham, P.C.	The Highlands	Sydney, N.S.
Raymond J. Perrault, P.C.	North Shore-Burnaby	North Vancouver, B.C.
Louis-J. Robichaud, P.C.	L'Acadie-Acadia	Saint-Antoine, N.B.
Jack Austin, P.C.	Vancouver South	Vancouver, B.C.
Willie Adams	Nunavut	Rankin Inlet, Nunavut
Lowell Murray, P.C.	Pakenham	Ottawa, Ont.
C. William Doody	Harbour Main-Bell Island	St. John's, Nfld.
Peter Alan Stollery	Bloor and Yonge	Toronto, Ont.
Peter Michael Pitfield, P.C.	Ottawa-Vanier	Ottawa, Ont.
E. Leo Kolber	Victoria	Westmount, Que.
Michael Kirby	South Shore	Halifax, N.S.
Jerahmiel S. Grafstein	Metro Toronto	Toronto, Ont.
Anne C. Cools	Toronto-York	Toronto, Ont.
Charlie Watt	Inkerman	Kuujuuaq, Que.
Daniel Phillip Hays	Calgary	Calgary, Alta.
Joyce Fairbairn, P.C.	Lethbridge	Lethbridge, Alta.
Colin Kenny	Rideau	Ottawa, Ont.
Pierre De Bané, P.C.	De la Vallière	Montreal, Que.
Eymard Georges Corbin	Grand-Sault	Grand-Sault, N.B.
Brenda Mary Robertson	Riverview	Shediac, N.B.
Jean-Maurice Simard	Edmundston	Edmundston, N.B.
Norman K. Atkins	Markham	Toronto, Ont.
Ethel Cochrane	Newfoundland	Port-au-Port, Nfld.
Eileen Rossiter	Prince Edward Island	Charlottetown, P.E.I.
Mira Spivak	Manitoba	Winnipeg, Man.
Roch Bolduc	Gulf	Sainte-Foy, Que.
Gérald-A. Beaudoin	Rigaud	Hull, Que.
Pat Carney, P.C.	British Columbia	Vancouver, B.C.
Gerald J. Comeau	Nova Scotia	Church Point, N.S.
Consiglio Di Nino	Ontario	Downsview, Ont.
Donald H. Oliver	Nova Scotia	Halifax, N.S.
Noël A. Kinsella	Fredericton-York-Sunbury	Fredericton, N.B.
John Buchanan, P.C.	Nova Scotia	Halifax, N.S.
Mabel Margaret DeWare	Moncton	Moncton, N.B.
John Lynch-Staunton	Grandville	Georgeville, Que.
James Francis Kelleher, P.C.	Ontario	Sault Ste. Marie, Ont.
J. Trevor Eyton	Ontario	Caledon, Ont.
Wilbert Joseph Keon	Ottawa	Ottawa, Ont.
Michael Arthur Meighen	St. Marys	Toronto, Ont.
Thérèse Lavoie-Roux	Quebec	Montreal, Que.
J. Michael Forrestall	Dartmouth and Eastern Shore	Dartmouth, N.S.
Janis Johnson	Winnipeg-Interlake	Winnipeg, Man.
Eric Arthur Berntson	Saskatchewan	Saskatoon, Sask.
A. Raynell Andreychuk	Regina	Regina, Sask.
Jean-Claude Rivest	Stadacona	Quebec, Que.
Terrance R. Stratton	Red River	St. Norbert, Man.
Marcel Prud'homme, P.C.	La Salle	Montreal, Que.
Leonard J. Gustafson	Saskatchewan	Macoun, Sask.

ACCORDING TO SENIORITY

Senator	Designation	Post Office Address
THE HONOURABLE		
Erminie Joy Cohen	New Brunswick	Saint John, N.B.
David Tkachuk	Saskatchewan	Saskatoon, Sask.
W. David Angus	Alma	Montreal, Que.
Pierre Claude Nolin	De Salaberry	Quebec, Que.
Marjory LeBreton	Ontario	Manotick, Ont.
Gerry St. Germain, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.
Lise Bacon	De la Durantaye	Laval, Que.
Sharon Carstairs	Manitoba	Victoria Beach, Man.
Landon Pearson	Ontario	Ottawa, Ont.
Jean-Robert Gauthier	Ottawa-Vanier	Ottawa, Ontario
John G. Bryden	New Brunswick	Bayfield, N.B.
Rose-Marie Losier-Cool	Tracadie	Bathurst, N.B.
Céline Hervieux-Payette, P.C.	Bedford	Montreal, Que.
William H. Rompkey, P.C.	Labrador	North West River, Labrador, Nfld.
Lorna Milne	Peel County	Brampton, Ont.
Marie-P. Poulin	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.
Shirley Maheu	Rougemont	Saint-Laurent, Que.
Nicholas William Taylor	Sturgeon	Bon Accord, Alta.
Léonce Mercier	Mille Isles	Saint-Élie d'Orford, Que.
Wilfred P. Moore	Stanhope St./Bluenose	Chester, N.S.
Lucie Pépin	Shawinigan	Montreal, Que.
Fernand Robichaud, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.
Catherine S. Callbeck	Prince Edward Island	Central Bedeque, P.E.I.
Marisa Ferretti Barth	Repentigny	Pierrefonds, Que.
Serge Joyal, P.C.	Kennebec	Montreal, Que.
Thelma J. Chalifoux	Alberta	Morinville, Alta.
Joan Cook	Newfoundland	St. John's, Nfld.
Ross Fitzpatrick	Okanagan-Similkameen	Kelowna, B.C.
The Very Reverend Dr. Lois M. Wilson	Toronto	Toronto, Ont.
Francis William Mahovlich	Toronto	Toronto, Ont.
Richard H. Kroft	Manitoba	Winnipeg, Man.
Douglas James Roche	Edmonton	Edmonton, Alta.
Joan Thorne Fraser	De Lorimier	Montreal, Que.
Aurélien Gill	Wellington	Mashteuiatsh, Pointe-Bleue, Que.
Vivienne Poy	Toronto	Toronto, Ont.
Sheila Finestone, P.C.	Montarville	Montreal, Que.
Ione Christensen	Yukon Territory	Whitehorse, Y.T.
George Furey	Newfoundland and Labrador	St. John's, Nfld.
Nick G. Sibbeston	Northwest Territories	Fort Simpson, N.W.T.
Isobel Finnerty	Ontario	Burlington, Ont.
J. Bernard Boudreau, P.C.	Nova Scotia	Halifax, N.S.
John Wiebe	Saskatchewan	Swift Current, Sask.
Tommy Banks	Alberta	Edmonton, Alta.
Raymond G. Squires	Newfoundland	St. Anthony, Nfld.
Jane Marie Cordy	Nova Scotia	Dartmouth, N.S.
Betty Kennedy	Ontario	Milton, Ont.
Raymond C. Setlakwe	The Laurentides	Thetford Mines, Que.

SENATORS OF CANADA

ALPHABETICAL LIST

(October 4, 2000)

Senator	Designation	Post Office Address	Political Affiliation
THE HONOURABLE			
Adams, Willie	Nunavut	Rankin Inlet, Nunavut	Lib
Andreychuk, A. Raynell	Regina	Regina, Sask.	PC
Angus, W. David	Alma	Montreal, Que.	PC
Atkins, Norman K.	Markham	Toronto, Ont.	PC
Austin, Jack, P.C.	Vancouver South	Vancouver, B.C.	Lib
Bacon, Lise	De la Durantaye	Laval, Que.	Lib
Banks, Tommy	Alberta	Edmonton, Alta.	Lib
Beaudoin, Gérard-A.	Rigaud	Hull, Que.	PC
Berntson, Eric Arthur	Saskatchewan	Saskatoon, Sask.	PC
Bolduc, Roch	Gulf	Sainte-Foy, Que.	PC
Boudreau, J. Bernard, P.C.	Nova Scotia	Halifax, N.S.	Lib
Bryden, John G.	New Brunswick	Bayfield, N.B.	Lib
Buchanan, John, P.C.	Halifax	Halifax, N.S.	PC
Callbeck, Catherine S.	Prince Edward Island	Central Bedeque, P.E.I.	Lib
Carney, Pat, P.C.	British Columbia	Vancouver, B.C.	PC
Carstairs, Sharon	Manitoba	Victoria Beach, Man.	Lib
Chalifoux, Thelma J.	Alberta	Morinville, Alta.	Lib
Christensen, Ione	Yukon Territory	Whitehorse, Y.T.	Lib
Cochrane, Ethel	Newfoundland	Port-au-Port, Nfld.	PC
Cohen, Erminie Joy	New Brunswick	Saint John, N.B.	PC
Comeau, Gerald J.	Nova Scotia	Church Point, N.S.	PC
Cook, Joan	Newfoundland	St. John's, Nfld.	Lib
Cools, Anne C.	Toronto-York	Toronto, Ont.	Lib
Corbin, Eymard Georges	Grand-Sault	Grand-Sault, N.B.	Lib
Cordy, Jane Marie	Nova Scotia	Dartmouth, N.S.	Lib
De Bané, Pierre, P.C.	De la Vallière	Montreal, Que.	Lib
DeWare, Mabel Margaret	Moncton	Moncton, N.B.	PC
Di Nino, Consiglio	Ontario	Downsview, Ont.	PC
Doody, C. William	Harbour Main-Bell Island	St. John's, Nfld.	PC
Eyton, J. Trevor	Ontario	Caledon, Ont.	PC
Fairbairn, Joyce, P.C.	Lethbridge	Lethbridge, Alta.	Lib
Ferretti Barth, Marisa	Repentigny	Pierrefonds, Que.	Lib
Finestone, Sheila, P.C.	Montarville	Montreal, Que.	Lib
Finnerty, Isobel	Ontario	Burlington, Ont.	Lib
Fitzpatrick, Ross	Okanagan-Similkameen	Kelowna, B.C.	Lib
Forrestall, J. Michael	Dartmouth and the Eastern Shore	Dartmouth, N.S.	PC
Fraser, Joan Thorne	De Lorimier	Montreal, Que.	Lib
Furey, George	Newfoundland and Labrador	St. John's, Nfld.	Lib
Gauthier, Jean-Robert	Ottawa-Vanier	Ottawa, Ont.	Lib
Gill, Aurélien	Wellington	Mashteuiatsh, Pointe-Bleue, Que.	Lib
Grafstein, Jerahmiel S.	Metro Toronto	Toronto, Ont.	Lib
Graham, Bernard Alasdair, P.C.	The Highlands	Sydney, N.S.	Lib
Gustafson Leonard J.	Saskatchewan	Macoun, Sask.	PC
Hays, Daniel Phillip	Calgary	Calgary, Alta.	Lib
Hervieux-Payette, Céline, P.C.	Bedford	Montreal, Que.	Lib
Johnson, Janis	Winnipeg-Interlake	Winnipeg, Man.	PC
Joyal, Serge, P.C.	Kennebec	Montreal, Que.	Lib
Kelleher, James Francis, P.C.	Ontario	Sault Ste. Marie, Ont.	PC
Kennedy, Betty	Ontario	Milton, Ont.	Lib
Kenny, Colin	Rideau	Ottawa, Ont.	Lib
Keon, Wilbert Joseph	Ottawa	Ottawa, Ont.	PC

SENATORS OF CANADA

Senator	Designation	Post Office Address	Political Affiliation
THE HONOURABLE			
Kinsella, Noël A.	Fredericton-York-Sunbury	Fredericton, N.B.	PC
Kirby, Michael	South Shore	Halifax, N.S.	Lib
Kolber, Leo E.	Victoria	Westmount, Que.	Lib
Kroft, Richard H.	Manitoba	Winnipeg, Man.	Lib
Lavoie-Roux, Thérèse	Quebec	Montreal, Que.	PC
Lawson, Edward M.	Vancouver	Vancouver, B.C.	Ind
LeBreton, Marjory	Ontario	Manotick, Ont.	PC
Losier-Cool, Rose-Marie	Tracadie	Bathurst, N.B.	Lib
Lynch-Staunton, John	Grandville	Georgeville, Que.	PC
Maheu, Shirley	Rougemont	Saint-Laurent, Que.	Lib
Mahovich, Francis William	Toronto	Toronto, Ont.	Lib
Meighen, Michael Arthur	St. Marys	Toronto, Ont.	PC
Mercier, Léonce	Mille Isles	Saint-Élie d'Orford, Que.	Lib
Milne, Lorna	Peel County	Brampton, Ont.	Lib
Molgat, Gildas L. <i>Speaker</i>	Ste-Rose	Winnipeg, Man.	Lib
Moore, Wilfred P.	Stanhope St./Bluenose	Chester, N.S.	Lib
Murray, Lowell, P.C.	Pakenham	Ottawa, Ont.	PC
Nolin, Pierre Claude	De Salaberry	Quebec, Que.	PC
Oliver, Donald H.	Nova Scotia	Halifax, N.S.	PC
Pearson, Landon	Ontario	Ottawa, Ontario	Lib
Pépin, Lucie	Shawinigan	Montreal, Que.	Lib
Perrault, Raymond J., P.C.	North Shore-Burnaby	North Vancouver, B.C.	Lib
Pitfield, Peter Michael, P.C.	Ottawa-Vanier	Ottawa, Ont.	Ind
Poulin, Marie-P.	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.	Lib
Poy, Vivienne	Toronto	Toronto, Ont.	Lib
Prud'homme, Marcel, P.C.	La Salle	Montreal, Que.	Ind
Rivest, Jean-Claude	Stadacona	Quebec, Que.	PC
Robertson, Brenda Mary	Riverview	Shediac, N.B.	PC
Robichaud, Fernand, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.	Lib
Robichaud, Louis-J., P.C.	L'Acadie-Acadia	Saint-Antoine, N.B.	Lib
Roche, Douglas James	Edmonton	Edmonton, Alta.	Ind
Rompkey, William H., P.C.	Labrador	North West River, Labrador, Nfld.	Lib
Rossiter, Eileen	Prince Edward Island	Charlottetown, P.E.I.	PC
St. Germain, Gerry, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.	Ind
Setlakwe, Raymond C.	The Laurentides	Thetford Mines, Que.	Lib
Sibbeston, Nick G.	Northwest Territories	Fort Simpson, N.W.T.	Lib
Simard, Jean-Maurice	Edmundston	Edmundston, N.B.	PC
Sparrow, Herbert O.	Saskatchewan	North Battleford, Sask.	Lib
Spivak, Mira	Manitoba	Winnipeg, Man.	PC
Squires, Raymond G.	Newfoundland and Labrador	St. Anthony, Nfld.	Lib
Stollery, Peter Alan	Bloor and Yonge	Toronto, Ont.	Lib
Stratton, Terrance R.	Red River	St. Norbert, Man.	PC
Taylor, Nicholas William	Sturgeon	Bon Accord, Alta.	Lib
Tkachuk, David	Saskatchewan	Saskatoon, Sask.	PC
Watt, Charlie	Inkerman	Kuujuuaq, Que.	Lib
Wiebe, John	Saskatchewan	Swift Current, Sask.	Lib
Wilson, The Very Reverend Dr. Lois M.	Toronto	Toronto, Ont.	Ind

SENATORS OF CANADA

BY PROVINCE AND TERRITORY

(October 4, 2000)

ONTARIO—24

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Lowell Murray, P.C.	Pakenham	Ottawa
2 Peter Alan Stollery	Bloor and Yonge	Toronto
3 Peter Michael Pitfield, P.C.	Ottawa-Vanier	Ottawa
4 Jeremiah S. Grafstein	Metro Toronto	Toronto
5 Anne C. Cools	Toronto-York	Toronto
6 Colin Kenny	Rideau	Ottawa
7 Norman K. Atkins	Markham	Toronto
8 Consiglio Di Nino	Ontario	Downsview
9 James Francis Kelleher, P.C.	Ontario	Sault Ste. Marie
10 John Trevor Eyton	Ontario	Caledon
11 Wilbert Joseph Keon	Ottawa	Ottawa
12 Michael Arthur Meighen	St. Marys	Toronto
13 Marjory LeBreton	Ontario	Manotick
14 Landon Pearson	Ontario	Ottawa
15 Jean-Robert Gauthier	Ottawa-Vanier	Ottawa
16 Lorna Milne	Peel County	Brampton
17 Marie-P. Poulin	Northern Ontario	Ottawa
18 The Very Reverend Dr. Lois M. Wilson	Toronto	Toronto
19 Francis William Mahovlich	Toronto	Toronto
20 Vivienne Poy	Toronto	Toronto
21 Isobel Finnerty	Ontario	Burlington
22 Betty Kennedy	Ontario	Milton
23		
24		

SENATORS BY PROVINCE AND TERRITORY

QUEBEC—24

Senator	Designation	Post Office Address
THE HONOURABLE		
1 E. Leo Kolber	Victoria	Westmount
2 Charlie Watt	Inkerman	Kuujuaq
3 Pierre De Bané, P.C.	De la Vallière	Montreal
4 Roch Bolduc	Gulf	Sainte-Foy
5 Gérald-A. Beaudoin	Rigaud	Hull
6 John Lynch-Staunton	Grandville	Georgeville
7 Jean-Claude Rivest	Stadacona	Quebec
8 Marcel Prud'homme, P.C.	La Salle	Montreal
9 W. David Angus	Alma	Montreal
10 Pierre Claude Nolin	De Salaberry	Quebec
11 Lise Bacon	De la Durantaye	Laval
12 Céline Hervieux-Payette, P.C.	Bedford	Montreal
13 Shirley Maheu	Rougemont	Ville de Saint-Laurent
14 Léonce Mercier	Mille Isles	Saint-Élie d'Orford
15 Lucie Pépin	Shawinigan	Montreal
16 Marisa Ferretti Barth	Repentigny	Pierrefonds
17 Serge Joyal, P.C.	Kennebec	Montreal
18 Joan Thorne Fraser	De Lorimier	Montreal
19 Aurélien Gill	Wellington	Mashteuiatsh, Pointe-Bleue
20 Sheila Finestone, P.C.	Montarville	Montreal
21 Raymond C. Setlakwe	The Laurentides	Thetford Mines
22		
23		
24		

SENATORS BY PROVINCE—MARITIME DIVISION

NOVA SCOTIA—10

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Bernard Alasdair Graham, P.C.	The Highlands	Sydney
2 Michael Kirby	South Shore	Halifax
3 Gerald J. Comeau	Nova Scotia	Church Point
4 Donald H. Oliver	Nova Scotia	Halifax
5 John Buchanan, P.C.	Halifax	Halifax
6 J. Michael Forrestall	Dartmouth and Eastern Shore .	Dartmouth
7 Wilfred P. Moore	Stanhope St./Bluenose	Chester
8 J. Bernard Boudreau, P.C.	Nova Scotia	Halifax
9 Jane Marie Cordy	Nova Scotia	Dartmouth
10		

NEW BRUNSWICK—10

THE HONOURABLE		
1 Louis-J. Robichaud, P.C.	L'Acadie-Acadia	Saint-Antoine
2 Eymard Georges Corbin	Grand-Sault	Grand-Sault
3 Brenda Mary Robertson	Riverview	Shediac
4 Jean-Maurice Simard	Edmundston	Edmundston
5 Noël A. Kinsella	Fredericton-York-Sunbury ...	Fredericton
6 Mabel Margaret DeWare	Moncton	Moncton
7 Erminie Joy Cohen	New Brunswick	Saint John
8 John G. Bryden	New Brunswick	Bayfield
9 Rose-Marie Losier-Cool	Tracadie	Bathurst
10 Fernand Robichaud, P.C.	New Brunswick	Saint-Louis-de-Kent

PRINCE EDWARD ISLAND—4

THE HONOURABLE		
1 Eileen Rossiter	Prince Edward Island	Charlottetown
2 Catherine S. Callbeck	Prince Edward Island	Central Bedeque
3		
4		

SENATORS BY PROVINCE—WESTERN DIVISION

MANITOBA—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Gildas L. Molgat, <i>Speaker</i>	Ste-Rose	Winnipeg
2 Mira Spivak	Manitoba	Winnipeg
3 Janis Johnson	Winnipeg-Interlake	Winnipeg
4 Terrance R. Stratton	Red River	St. Norbert
5 Sharon Carstairs	Manitoba	Victoria Beach
6 Richard H. Kroft	Manitoba	Winnipeg

BRITISH COLUMBIA—6

THE HONOURABLE		
1 Edward M. Lawson	Vancouver	Vancouver
2 Raymond J. Perrault, P.C.	North Shore-Burnaby	North Vancouver
3 Jack Austin, P.C.	Vancouver South	Vancouver
4 Pat Carney, P.C.	British Columbia	Vancouver
5 Gerry St. Germain, P.C.	Langley-Pemberton-Whistler	Maple Ridge
6 Ross Fitzpatrick	Okanagan-Similkameen	Kelowna

SASKATCHEWAN—6

THE HONOURABLE		
1 Herbert O. Sparrow	Saskatchewan	North Battleford
2 Eric Arthur Berntson	Saskatchewan	Saskatoon
3 A. Raynell Andreychuk	Regina	Regina
4 Leonard J. Gustafson	Saskatchewan	Macoun
5 David Tkachuk	Saskatchewan	Saskatoon
6 John Wiebe	Saskatchewan	Swift Current

ALBERTA—6

THE HONOURABLE		
1 Daniel Phillip Hays	Calgary	Calgary
2 Joyce Fairbairn, P.C.	Lethbridge	Lethbridge
3 Nicholas William Taylor	Sturgeon	Bon Accord
4 Thelma J. Chalifoux	Alberta	Morinville
5 Douglas James Roche	Edmonton	Edmonton
6 Tommy Banks	Alberta	Edmonton

SENATORS BY PROVINCE AND TERRITORY

NEWFOUNDLAND—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 C. William Doody	Harbour Main-Bell Island	St. John's
2 Ethel Cochrane	Newfoundland	Port-au-Port
3 William H. Rompkey, P.C.	Labrador	North West River, Labrador
4 Joan Cook	Newfoundland	St. John's
5 George Furey	Newfoundland and Labrador	St. John's
6 Raymond G. Squires	Newfoundland	St. Anthony

NORTHWEST TERRITORIES—1

THE HONOURABLE		
1 Nick G. Sibbeston	Northwest Territories	Fort Simpson

NUNAVUT—1

THE HONOURABLE		
1 Willie Adams	Nunavut	Rankin Inlet

YUKON TERRITORY—1

THE HONOURABLE		
1 Ione Christensen	Yukon Territory	Whitehorse

DIVISIONAL SENATORS

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Thérèse Lavoie-Roux	Quebec	Montreal, Que.

ALPHABETICAL LIST OF STANDING, SPECIAL AND JOINT COMMITTEES

(As of October 4, 2000)

*Ex Officio Member

ABORIGINAL PEOPLES

Chair: Honourable Senator Chalifoux
Honourable Senators:

Andreychuk,	Christensen,
*Boudreau,	Cochrane,
(or Hays)	DeWare,
Chalifoux,	Gill,

Deputy Chair: Honourable Senator

Johnson	Rompkey,
*Lynch-Staunton,	Sibbeston,
(or Kinsella)	Watt.
Pearson,	

Original Members as nominated by the Committee of Selection

*Andreychuk, Austin, Beaudoin, *Boudreau (or Hays), Chalifoux, Christensen, Comeau, DeWare, Gill, Johnson
 Lynch-Staunton (or Kinsella), Pearson, Sibbeston, Watt.

THE SUBCOMMITTEE ON ABORIGINAL ECONOMIC DEVELOPMENT IN RELATION
TO NORTHERN NATIONAL PARKS

Chair: Honourable Senator Christensen
Honourable Senators:

Andreychuk,	Christensen,
*Boudreau,	Cochrane,
(or Hays)	

Deputy Chair: Honourable Senator

*Lynch-Staunton,	Sibbeston,
(or Kinsella)	Watt.

AGRICULTURE AND FORESTRY

Chair: Honourable Senator Gustafson
Honourable Senators:

*Boudreau,	Fitzpatrick,
(or Hays)	Gustafson,
Cordy,	*Lynch-Staunton,
Fairbairn,	(or Kinsella)
Ferretti Barth,	Oliver,

Deputy Chair: Honourable Senator Fairbairn

Robichaud,	Stratton,
(Saint-Louis-de-Kent)	Tkachuk,
Rossiter,	Wiebe.
Sparrow,	

Original Members as nominated by the Committee of Selection

**Boudreau (or Hays), Chalifoux, Fairbairn, Fitzpatrick, Ferretti Barth, Gill, Gustafson, *Lynch-Staunton (or Kinsella),
 Oliver, Robichaud (Saint-Louis-de-Kent), Sparrow, Spivak, St. Germain, Stratton.*

**THE SUBCOMMITTEE ON FORESTRY
(Agriculture and Forestry)**

Chair: Honourable Senator Fitzpatrick
Honourable Senators:

*Boudreau, Fitzpatrick,
(or Hays) Gill,
Fairbairn.

Deputy Chair: Honourable Senator

*Lynch-Staunton, Oliver,
(or Kinsella) Stratton.

BANKING, TRADE AND COMMERCE

Chair: Honourable Senator Kolber
Honourable Senators:

*Boudreau Kelleher,
(or Hays) Kolber,
Furey, Kroft,
Hervieux-Payette.

Deputy Chair: Honourable Senator Tkachuk

*Lynch-Staunton, Robichaud
(or Kinsella) (Saint-Louis-de-Kent)
Meighen, Stratton.
Oliver, Tkachuk,
Poulin, Wiebe.

Original Members as nominated by the Committee of Selection

*Angus, *Boudreau (or Hays), Fitzpatrick, Furey, Hervieux-Payette, Joyal, Kelleher, Kenny, Kolber,
Lynch-Staunton (or Kinsella), Meighen, Oliver, Tkachuk.

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

Chair: Honourable Senator Spivak
Honourable Senators:

Adams, Christensen,
Banks, Cochrane,
*Boudreau, Eyton,
(or Hays) Finnerty,
Buchanan,

Deputy Chair: Honourable Senator Taylor

Kelleher, Spivak,
Kenny, Taylor.
*Lynch-Staunton,
(or Kinsella)
Sibbeston,

Original Members as nominated by the Committee of Selection

*Adams, *Boudreau (or Hays), Buchanan, Chalifoux, Christensen, Cochrane, Eyton, Furey,
Kenny, *Lynch-Staunton (or Kinsella), Sibbeston, Spivak, St. Germain, Taylor.*

FISHERIES

Chair: Honourable Senator Comeau
Honourable Senators:

Adams,	Cook,
*Boudreau, (or Hays)	Johnson,
Carney	*Lynch-Staunton, (or Kinsella)
Comeau,	

Deputy Chair: Honourable Senator Perrault

Mahovlich,	Robichaud, (Saint-Louis-de-Kent)
Meighen,	Squires,
Perrault,	Watt.
Robertson,	

Original Members as nominated by the Committee of Selection

**Boudreau (or Hays), Carney, Comeau, Cook, Doody, Furey, *Lynch-Staunton (or Kinsella), Mahovlich, Meighen, Murray, Perrault, Perry, Robichaud (Saint-Louis-de-Kent), Watt.*

FOREIGN AFFAIRS

Chair: Honourable Senator Stollery
Honourable Senators:

Andreychuk,	*Boudreau, (or Hays)
Atkins.	Carney,
Austin.	Corbin,
Bolduc,	

Deputy Chair: Honourable Senator Andreychuk

De Bané,	*Lynch-Staunton, (or Kinsella)
Di Nino,	Stollery,
Furey,	Taylor.
Grafstein,	

Original Members as nominated by the Committee of Selection

*Andreychuk, Atkins, Bolduc, *Boudreau (or Hays), Corbin, Carney, De Bané, Di Nino, Grafstein, Lewis, Losier-Cool, *Lynch-Staunton (or Kinsella), Stewart, Stollery.*

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

Chair: Honourable Senator Rompkey
Honourable Senators:

*Boudreau (or Hays)	DeWare,
Cohen,	Forrestall.
Comeau,	Kenny,
De Bané,	Kroft,

Deputy Chair: Honourable Senator Nolin

*Lynch-Staunton, (or Kinsella)	Robichaud, (Saint-Louis-de-Kent)
Maheu,	Rompkey,
Milne,	Simard,
Nolin,	Stollery.
Poulin,	

Original Members as nominated by the Committee of Selection

**Boudreau (or Hays), Cohen, De Bané, DeWare, Forrestall, Kelly, Kenny, Kroft, *Lynch-Staunton (or Kinsella), Maheu, Milne, Nolin, Poulin, Robichaud (Saint-Louis-de-Kent), Rompkey, Rossiter, Stollery.*

LEGAL AND CONSTITUTIONAL AFFAIRS

Chair: Honourable Senator Milne
Honourable Senators:

Andreychuk, Cools,
 Beaudoin, Fraser,
 Buchanan, Joyal,
 *Boudreau
 (or Hays),

Deputy Chair: Honourable Senator Beaudoin

*Lynch-Staunton, Nolin,
 (or Kinsella) Pearson,
 Milne,
 Moore, Poy.

Original Members as nominated by the Committee of Selection

*Andreychuk, Beaudoin, *Boudreau (or Hays), Cools, Fraser, Ghitter, Joyal, Kelleher,
 Lynch-Staunton (or Kinsella), Milne, Moore, Nolin, Pearson, Poy.

LIBRARY OF PARLIAMENT (Joint)

Joint Chair: Honourable Senator Louis Robichaud
Honourable Senators:

Atkins, Finnerty,
 Cordy, Grafstein,

Deputy Chair:

Poy, Robichaud,
 (L'Acadie-Acadia).

Original Members agreed to by Motion of the Senate

Atkins, Finnerty, Grafstein, Poy, Robichaud (L'Acadie-Acadia), Ruck.

NATIONAL FINANCE

Chair: Honourable Senator Murray
Honourable Senators:

Banks, Doody,
 Bolduc, Finestone,
 *Boudreau, Finnerty,
 (or Hays) Ferretti Barth,
 Cools,

Deputy Chair: Honourable Senator Cools

Kinsella, Moore,
 *Lynch-Staunton, Murray,
 (or Kinsella) Stratton,
 Mahovlich,

Original Members as nominated by the Committee of Selection

*Bolduc, *Boudreau (or Hays), Cools, Finestone, Finnerty, Ferretti Barth, Kinsella,
 Lynch-Staunton (or Kinsella), Mahovlich, Moore, Murray, Perry, Stratton.

OFFICIAL LANGUAGES (Joint)**Joint Chair: Honourable Senator Losier-Cool****Deputy Chair:****Honourable Senators:**

Beaudoin,

Losier-Cool,

Rivest.

Robichaud,

(L'Acadie-Acadia)

Fraser,

Setlakwe.

*Original Members agreed to by Motion of the Senate**Beaudoin, Fraser, Gauthier, Losier-Cool, Meighen, Pépin, Rivest, Robichaud (L'Acadie-Acadia).***PRIVILEGES, STANDING RULES AND ORDERS****Chair: Honourable Senator Austin****Deputy Chair: Honourable Senator****Honourable Senators:**

Andreychuk,

DeWare,

Gustafson,

*Lynch-Staunton,

Austin,

Doody,

Joyal,

(or Kinsella)

*Boudreau,
(or Hays)

Gauthier,

Kroft,

Robichaud,

(L'Acadie-Acadia).

Grafstein,

Losier-Cool,

Rossiter.

Corbin,

Stratton.

*Original Members as nominated by the Committee of Selection**Austin, Bacon, Beaudoin, *Boudreau (or Hays), DeWare, Gauthier, Ghitter, Grafstein, Grimard, Joyal, Kelly, Kroft, *Lynch-Staunton (or Kinsella), Maheu, Pépin, Robichaud (L'Acadie-Acadia), Rossiter.***SCRUTINY OF REGULATIONS (Joint)****Joint Chair: Honourable Senator Hervieux-Payette****Deputy Chair:****Honourable Senators:**

Bryden,

Finestone,

Hervieux-Payette,

Rivest.

Cochrane,

Moore,

*Original Members as nominated by the Committee of Selection**Cochrane, Finestone, Furey, Grimard, Hervieux-Payette, Moore, Perry, Rivest.*

SELECTION

Chair:	Honourable Senator Mercier	Deputy Chair:	
Honourable Senators:			
Atkins,	Fairbairn,	Kirby,	Mercier,
Austin,	Grafstein,	*Lynch-Staunton,	Murray,
*Boudreau,	Kinsella,	(or Kinsella)	Nolin.
(or Hays)			

Original Members agreed to by Motion of the Senate
 Atkins, Austin, *Boudreau (or Hays), DeWare, Fairbairn, Grafstein, Kinsella,
 Kirby, *Lynch-Staunton or (Kinsella), Mercier, Murray.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

Chair:	Honourable Senator Kirby	Deputy Chair:	Honourable Senator LeBreton
Honourable Senators:			
Banks,	Carstairs,	Keon,	*Lynch-Staunton,
Beaudoin,	Cohen,	Kennedy,	(or Kinsella)
*Boudreau,	Cook,	Kirby,	Roberston.
(or Hays)	Fairbairn,	LeBreton,	
Callbeck.			

Original Members as nominated by the Committee of Selection
 *Boudreau (or Hays), Callbeck, Carstairs, Cohen, Cook, Di Nino, Fairbairn, Gill, Kirby,
 Lavoie-Roux, LeBreton, *Lynch-Staunton (or Kinsella), Pépin, Robertson.

THE SUBCOMMITTEE ON VETERANS AFFAIRS
(Social Affairs, Science and Technology)

Chair:	Honourable Senator Meighen	Deputy Chair:	Honourable Senator Wiebe
Honourable Senators:			
Atkins,	Kirby,	Meighen,	Pépin.
*Boudreau,	*Lynch-Staunton,		Wiebe.
(or Hays)	(or Kinsella)		

TRANSPORT AND COMMUNICATIONS**Chair: Honourable Senator Bacon****Deputy Chair: Honourable Senator Forrestall****Honourable Senators:**

Adams,	Callbeck,	Kirby,	Perrault,
Angus,	Finestone,	LeBreton,	Poulin.
Bacon,	Forrestall,	*Lynch-Staunton, (or Kinsella)	
*Boudreau, (or Hays)	Johnson,		

Original Members as nominated by the Committee of Selection

*Adams, Bacon, *Boudreau (or Hays), Callbeck, Finestone, Forrestall, Johnson, Kirby,
LeBreton, *Lynch-Staunton (or Kinsella), Perrault, Poulin, Roberge, Spivak.*

**THE SUBCOMMITTEE ON COMMUNICATIONS
(Transport and Communications)****Chair: Honourable Senator Poulin****Deputy Chair: Honourable Senator Spivak****Honourable Senators:**

*Boudreau, (or Hays)	Finestone,	LeBreton,	Perrault,
	Johnson,	*Lynch-Staunton, (or Kinsella)	Poulin.

**THE SUBCOMMITTEE ON TRANSPORTATION SAFETY
(Transport and Communications)****Chair: Honourable Senator Forrestall****Deputy Chair: Honourable Senator Adams****Honourable Senators:**

Adams,	Callbeck,	*Lynch-Staunton, (or Kinsella)	Perrault,
*Boudreau, (or Hays)	Forrestall,		Spivak.

THE SPECIAL SENATE COMMITTEE ON ILLEGAL DRUGS

Chair:	Honourable Senator Nolin	Deputy Chair:	Honourable Senator Carstairs
Honourable Senators:			
Carstairs,	Kenny,	Nolin,	Rossiter.
*Boudreau,	*Lynch-Staunton,	Pépin,	
(or Hays)	(or Kinsella)		

Original Members as nominated by the Committee of Selection
*Carstairs, *Boudreau (or Hays), Kenny *Lynch-Staunton (or Kinsella), Nolin, Pépin, Rossiter.*

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CANADA

Debates of the Senate

2nd SESSION

•

36th PARLIAMENT

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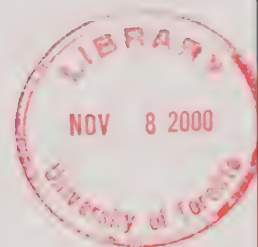
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NUMBER 79

OFFICIAL REPORT
(HANSARD)

Thursday, October 5, 2000

THE HONOURABLE GILDAS L. MOLGAT
SPEAKER



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THE SENATE

Thursday, October 5, 2000

The Senate met at 2 p.m., the Speaker in the Chair.

Prayers.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to some distinguished visitors in the gallery. It is a delegation from the Austrian Parliament, led by Dr. Heinz Fischer, President of the Austrian National Council, or the "Nationalrat." He is accompanied by Mrs. Anna Haselbach, Vice-President of the Federal Council, the "Bundesrat." They are accompanied by His Excellency Wendelin Etmayer, Ambassador of the Republic of Austria.

[Translation]

On behalf of all senators, I welcome you to the Senate of Canada and wish you an excellent visit in our country.

Hon. Senators: Hear, hear!

THE LATE HONOURABLE JACQUES FLYNN, P.C., Q.C., O.C.

TRIBUTES

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, on September 21, the Senate lost one of its most distinguished and active members, with the death of Jacques Flynn at the age of 85.

After an initial unsuccessful attempt in 1957, he was elected the following year to the House of Commons for the first time, and became its Deputy Speaker in 1961. Defeated in 1962, he was appointed to the Senate that same year and held the position of leader of the opposition from 1967 to 1979. Prime Minister Clark then appointed him Minister of Justice and Attorney General, a position he had to abandon a few months later to become the Leader of the Opposition until 1984.

[English]

Jacques Flynn was the second longest serving leader of the opposition in the Senate, a somewhat dubious record, he would be the first to admit, and not one he cared for anyone, at least a member of his own party, to try to equal, much less break. Perhaps there is some advantage after all to a mandatory retirement age.

Jacques Flynn's views on Quebec's role and position in Confederation were not always shared by members of his caucus,

particularly those from the West, but they were always greatly respected, as he was. One of his many qualities was that of loyalty — loyalty to his party, through good times as well as bad, a quality which in recent years no longer appears to warrant the same importance and commitment as it did in his day.

[Translation]

For the past few years, Jacques had been afflicted with a disease which, although it affected him physically, did not interfere with his habitual good humour and admirable intellect until the very end of his life.

He made an exceptional contribution to the public life of Quebec and of Canada, and the Senate in particular benefitted greatly from his presence.

[English]

To his wife, Renée, their children and their family, I offer deepest condolences.

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I should like to join Senator Lynch-Staunton in expressing condolences to the family of our former colleague Senator Flynn. His time here overlapped with mine by some six years. I remember him as a very formidable senator. He occupied an office that I think Senator Lynch-Staunton now occupies. As has been said, he had been Minister of Justice and had a very distinguished record as a parliamentarian.

I remember him, from before my time here, as a friend of my father who served with him longer than I did. As Senator Lynch-Staunton said, he was indeed very loyal to his friends. I observed his loyalty in the relationship he had with my father and others, in particular with our former colleague Senator Olson. The two of them were friends and had great respect for one another, although one would never have known it when listening to the two of them joust across the floor of this chamber.

Senator Flynn was a great expert on the Senate and its workings and rules, particularly the rules that preceded the ones under which we now operate. He was a controversial advisor on those rules, even after his retirement.

Honourable senators, I have very fond memories of Senator Flynn. He had a great life and was a great senator. I wish to extend my condolences to his family. He was missed here after he left us and he will live on in our memories.

[Translation]

Hon. Lowell Murray: Honourable senators, for 11 years I had the privilege and the pleasure of serving close to the Honourable Jacques Flynn in this chamber. He was my leader for five years and, for four years, my most experienced and respected lieutenant.

Jacques Flynn had tremendous energy from an intellectual, moral and political point of view. With his robust and impassioned style, and also his courage, he left his mark on the major debates of his time, whether the issue was the Canadian flag, a reform of the Criminal Code, or federal initiatives or interference in social and cultural areas. In Parliament, he spoke with eloquence and lucidity in every constitutional debate from 1958 to 1990, including the debates on the Fulton-Favreau formula, the Victoria charter, Bill C-68, the Constitution Act, 1982, and the Meech Lake Accord. His incredible knowledge of the law would shine forth during a debate, but so would his belief in Canada and in the special place that Quebec has in it. Jacques Flynn, who was the grandson of a former premier of Quebec, believed as much in Quebec as he believed in Canada. There was never any doubt in his mind regarding his twin identity as a Québécois and a Canadian. He was both and he took great pride in that.

I would like to say a word about the challenge that Jacques Flynn and his colleagues had to face in this chamber during the sixties and the seventies. From 1963, when the Diefenbaker government was defeated, to 1979, when Mr. Clark was elected, opposition ranks in the Senate were constantly getting thinner. Our friend Senator Perrault alluded to that situation yesterday.

There were almost five times more Liberals than opposition senators. Without his determination, his talents as a parliamentarian, his hard work, his inspiration, his unshakeable conviction regarding the importance of this house and his leadership qualities, the smooth operation of our parliamentary system, at least in the Senate, would have been seriously threatened, because the opposition was so outnumbered.

His funeral was held on September 23, at Saint-Dominique church in Quebec City. His friends from the provincial capital, his colleagues from the Bar, his former political colleagues and adversaries all came to say goodbye to a man who was at the heart of the professional and political life of his city and country for half a century. Our former colleague the Right Honourable Martial Asselin delivered a simple but moving eulogy.

Throughout his public life, Jacques Flynn carried the torch for an illustrious Quebec and Canadian tradition. Parliament, and the Progressive Conservative Party in particular, owe him much.

Hon. Jean-Claude Rivest: Honourable senators, today I would like to speak to you of the absolutely outstanding contribution the Honourable Jacques Flynn made to the political life of Canada and of Quebec. Beyond his contribution on the political scene, he enjoyed a totally remarkable reputation in legal circles. As well, he was associated with many community activities in the Quebec City region in the social, arts and

economic areas. His contributions were always greatly appreciated. I believe it is important to point out the very high esteem in which the people of the Quebec City region held Senator Flynn.

[English]

SENATORS' STATEMENTS

VISIT TO DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

Hon. Lois M. Wilson: Honourable senators, from September 13 to 24, I led a six-person parliamentary delegation, which included two members of the NGO community, to visit the Democratic People's Republic of Korea. We were charged with assessing the current economic, social and political conditions in the DPRK; exploring potential areas for bilateral cooperation in anticipation of the establishment of diplomatic relations; signalling to the DPRK Canadian concerns on international peace and security and promotion of civil society and human rights; and considering the kind of official Canadian presence that would be appropriate should diplomatic relations be established.

We found the country in a food crisis that is acute and unlikely to subside soon. Because the economic policy of self-reliance is unsustainable, in our judgment, the survival of millions of Koreans now depends upon international humanitarian food aid. The Canadian Foodgrains Bank of the Canadian churches, through the UN World Food Program and the UNDP, are by far the most visible Canadian presence in the DPRK and are important agents of change. The credibility these programs have with the DPRK earned our delegation unprecedented access to the countryside, families, schools, hospitals, co-op farms and nursery schools, whereas ambassadors in Pyongyang from other countries are not allowed to travel more than 20 kilometres outside the city.

During a three-day visit to the east coast, we saw extreme malnutrition among children and pregnant mothers. A 1998 UN-sanctioned nutritional survey showed a national rate of acute malnutrition among children aged six months to seven years of 16 per cent, one of the worst rates in the world. Despite heroic efforts to increase food production, it became obvious that the DPRK is unable to meet the food needs of its population and that self-sufficiency is an unrealistic goal.

• (1420)

Honourable senators, energy is in short supply. Apartment buildings and whole towns were dark when the sun set. A constant flow of tap water, let alone hot water, is not available. We saw two operating rooms in a hospital that cannot be used during the winter due to no heat. The loss of oil after the collapse of the U.S.S.R. has left miles of factories closed and the country with no industrial base.

The DPRK is reaching out to South Korea and to the international community for normalization of relations. Italy and Australia have completed theirs and New Zealand is not far behind. Although the reunification of the two Koreas may not be immediate, the two Koreas marched together at the Olympics under one flag designated simply "Korea," accompanied by 15th century folk music common to both North and South. Two busloads of men who had been imprisoned in South Korea since 1953 arrived in Pyongyang at our hotel, a gesture of reconciliation by the South Korean government. There are plans for a connecting railway and for the removal of land mines in the DMZ.

Honourable senators, our timing in going to the DPRK was excellent. There is a window of opportunity —

The Hon. the Speaker: Honourable Senator Wilson —

Senator Wilson: Is that three minutes, honourable senators?

The Hon. the Speaker: I regret to inform the honourable senator that her speaking time has expired. The Rules Committee reported to the Senate, and the Senate agreed. It is the wish of the Senate to stick strictly to the three-minute time limit for Senators' Statements. I must observe that rule.

I must warn honourable senators that quite a few senators have indicated they wish to make statements today. If we do not stick to the three-minute rule, we may not be able to hear all of them.

[Translation]

WORLD TEACHERS' DAY

Hon. Rose-Marie Losier-Cool: Honourable senators, today, October 5, we are celebrating World Teachers' Day. The United Nations General Assembly has declared 2000 the International Year for the Culture of Peace.

I believe that it is therefore appropriate to draw attention to the immense contribution made by teachers to the attainment of a true culture of peace that knows no borders, both within Canada and throughout the world, from Tunisia to Nicaragua.

This year, the Internationale de l'Éducation, in conjunction with UNESCO, has selected as the theme for World Teachers' Day "Teachers: expanding horizons." This is so true. Teachers help society by inculcating in their students a critical mind and a thirst for knowledge. Teachers contribute to the enhanced economic and social well-being of our country. As we know, teaching is becoming more and more of a challenge and infinitely more complex.

We may rightly be proud of our teachers in Canada. Our teachers are devoted and committed professionals and take their

profession and their students to heart. I congratulate them warmly on their excellent work.

In closing, honourable senators, I invite you to give thought to a teacher who has had a positive influence on your life and to pay tribute him or her and to all those in this noble profession today.

THE HONOURABLE GILDAS L. MOLGAT

TRIBUTE ON THIRTIETH ANNIVERSARY
OF APPOINTMENT TO SENATE

Hon. Marcel Prud'homme: Honourable senators, I would like to speak to you today of a great parliamentarian, a great diplomat and, God knows, a man with a great sense of fairness.

[English]

Usually, as we have just done for the Honourable Senator Flynn, we talk about the great virtue of colleagues who are about to leave, who have left, or who have died. I would like to talk about someone who is well, who is living in Ottawa, and who is sitting on the throne today: our Speaker, Senator Gildas Molgat.

The Hon. the Speaker: Had I known the honourable senator would say that, I would never have recognized him.

Senator Prud'homme: The reason I do so is because we will not be here this weekend to celebrate a great anniversary.

[Translation]

Indeed, 30 years ago this weekend, the Right Honourable Pierre Elliott Trudeau appointed Senator Molgat to the Senate.

[English]

To repeat, Senator Molgat is a great diplomat. I have seen him in his travels around the world — and honourable senators know that my interest in foreign affairs will never cease, even though I am not a member of the Foreign Affairs Committee — and I hear about him from people wherever he goes. He is a great representative of the Senate.

Honourable senators, when I finish speaking, I should like for you to applaud warmly.

[Translation]

I would ask him to extend to Alison — his wife and constant companion — our best wishes. We would like to keep you in the Chair, Your Honour, until you reach the unfortunately mandatory retirement age. Thank you for your fairness, your talent and the friendship you offer all senators.

[English]

The Hon. the Speaker: As I said, had I known, I might not have recognized the honourable senator.

BREAST CANCER MONTH

Hon. Erminie J. Cohen: Honourable senators, this month we observe Breast Cancer Month. We have travelled a long way in our crusade to promote public education and public awareness in our communities. Our outreach strategies and programs have led to more early-stage cancers being detected, thus lowering mortality rates. The mantra of "early detection is the best protection" cannot be repeated often enough.

In the interests of Breast Cancer Month, I am proud to announce a made-in-New Brunswick initiative launched in June 1999. The Purple Violet, named after the New Brunswick flower, is a project of the New Brunswick Breast Cancer Information Partnership and is a much-needed, relevant, up-to-date information kit designed to help make the patient's journey through breast cancer less difficult. The partnership consists of representatives from each of the seven health regions in New Brunswick, from both linguistic communities, and from the aboriginal community. Over 50 per cent of the membership are breast cancer survivors.

Studies have shown that people when diagnosed need clear, understandable information to enable them to make informed decisions about their treatment, in consultation, of course, with their health professionals. It is almost impossible for anyone to absorb verbal and vital information at the time of diagnosis as the fear of the unknown regarding surgery, treatment and prognosis is all-consuming. The information offered in the Purple Violet kit helps to diminish their fear.

The kits are available in both official languages and are distributed to breast cancer surgeons throughout the province. They are given to the patient at time of diagnosis. Since being launched in 1999, hundreds of New Brunswick women have received the Purple Violet kits, and the comments from patients and their surgeons have been positive.

Honourable senators, Health Canada provided the initial funding for this project, as well as the purchase of kit material for the first year. If any of my colleagues are interested in viewing these kits, they are invited to contact my office.

[Translation]

WOMEN'S MENTAL HEALTH

PROBLEMS OF OVERMEDICATION

Hon. Lucie Pépin: Honourable senators, I rise today to draw your attention to the problem of mental health, particularly that of women.

One of the areas of health in which the greatest differences between men and women are observed is that of mental health. This is not without repercussions on the quality of life of women and those around them. Levels of depression are higher among

women than men, suggesting that women and men experience stress differently.

The rate of hospitalization for psychiatric treatment is higher among women than men. Women are more inclined than men to have low self-esteem and to experience problems such as anorexia and bulimia. Women are more likely to be overmedicated than men.

The case I am about to present is that of a woman who went through hell, but who found — and is still finding — the courage to fight against the excessive prescription of drugs. This woman is Joan Gadsby, the author of *Addiction by Prescription*, a essay in which she relates her own story, of course, but one in which she offers a lucid analysis of the disastrous effects of overmedication. The drug with which Ms Gadsby had trouble was benzodiazepine, a tranquilizer and sedative.

• (1430)

While this drug may meet certain expectations in the short term, it has a number of undesirable side effects: learning problems, such as confusion; behavioural problems, such as aggressiveness; psychomotor problems affecting such things as eye-hand-foot coordination; psychiatric problems, such as depression or suicidal ideation; and finally, problems of addictiveness.

Honourable senators, drugs must be used with restraint. Naturally, for a variety of reasons, patients may depart from the recommended dose of a medication. However, such departures may also arise from a belief that the solution to problems lies in pills, and that the relief they provide is preferable to the symptoms a patient would experience without them.

I am not here to judge the Canadian medical profession, much less the pharmaceutical industry. Nevertheless, I want you to think about the problem behind overmedication. It is probably easier for society to individualize problems by applying individual solutions than to wonder about the source of these problems and propose global solutions. It is also probably easier for a doctor to prescribe medication than to consider longer-term alternatives. Of course, the medical profession constantly reviews its use of medication, so that doctors are more aware of the negative impact of overmedication. However, there are still cases — too many, unfortunately — where doctors prescribe too much medication, because they feel it is the best, the easiest or the quickest solution.

Honourable senators, I am asking you to join me in reflecting on the role of medication in our society. The Senate Standing Committee on Social Affairs, Science and Technology has undertaken a vast study on Canada's health system. I truly hope that, in the course of its proceedings, the committee will be receptive to the problem of overmedication and its negative impact on Canadians.

The Hon. the Speaker: Unfortunately, Senator Pépin, your speaking time has expired.

[English]

WORLD TEACHERS' DAY

Hon. Ethel Cochrane: Honourable senators, I, like my colleague Senator Losier-Cool, would like to draw your attention to the fact that today has been designated World Teachers' Day by the United Nations Educational, Scientific and Cultural Organization. The international theme for the day is "Teachers: expanding horizons." That recognizes in particular the leadership role that teachers play in adapting to the information society. Computers and other technology in the classroom have dramatically changed the learning process in our schools. They have also created tremendous possibilities for teachers to draw on new educational resources and to interact with other teachers and schools all around the world.

Today, we join with people from around the world in giving recognition to teachers for the indispensable contributions they make to our children's development. I hope all honourable senators will join with me in expressing our appreciation for their efforts.

HELEN ROSE GRAFSTEIN

TRIBUTE ON ONE HUNDREDTH BIRTHDAY

Hon. Jeremiah S. Grafstein: Honourable senators, allow me to mark a milestone in the annals of my family. This week we celebrated my mother's one hundredth birthday. Helen Rose Grafstein was born in Yilza, Poland on October 3, 1900. She stemmed from an ancient line of rabbis on her mother's side. She landed in Canada in 1907 with her mother and her younger sister, following her father who had travelled and worked in Belgium until he arrived in Toronto a year earlier. Ultimately, she and her family settled at 35 Kensington Avenue in Toronto.

My mother met my father, also born in Poland, when he came to visit his older brothers in Toronto in 1927, after serving in the Pilsudski Legion in Poland. They fell in love, married in 1930, and moved to London, Ontario where my older sister and I were born and raised.

Tragedy stalked my mother's entire life. Her father was blinded in an accident just before World War I but, fortunately, lived to the ripe old age of 87. Her dearest, oldest cousin died in the Dieppe raid. Her mother died early due to the struggle and strain to provide for her family. My own father died prematurely in a car accident 50 years ago, and my mother was left to raise me and my sister. My sister died suddenly some years ago. Then my mother's beloved younger sister, Betty, passed away. My mother worked practically all of her life to provide for her family, and yet her unquenchable spirit and private beliefs survived and surmounted all these family burdens and tragedies.

She loves clothes. "You are not dressed unless you wear a hat," she reminds us. She loves music. To this day, every Monday she attends choir practice and sings in a choir. Wednesdays she still plays bingo. Until recently, she was an avid reader of *Hansard*.

Let me recount one small, political story. During the last referendum, knowing of my concern, she asked me how it was

going. She admonished me not to worry. She had read the question. The question was very confusing, she said. Quebec will never separate. Canada is too good to separate from. No one in their right mind in Quebec would ever separate from Canada. The only document to this day she still keeps in her purse with her is her faded citizenship certificate.

So, honourable senators, I seek your indulgence to salute her, to celebrate the centenary of her life. She believes nothing is really official unless it is in *Hansard*. May I wish her the traditional Jewish blessing to live as long as the lifespan of Moses. Mother, may you live to 120 years and may God's strong spirit remain with you.

[Translation]

ROUTINE PROCEEDINGS

OFFICIAL LANGUAGES

ANNUAL REPORT TABLED

The Hon. the Speaker: Honourable senators, pursuant to section 66 of the Official Languages Act, I have the honour of tabling the annual report of the Commissioner of Official Languages for the year ending on March 31, 1999.

[English]

CANADA NATIONAL PARKS BILL

REPORT OF COMMITTEE

Hon. Mira Spivak, Chair of the Standing Senate Committee on Energy, the Environment and Natural Resources, presented the following report:

Thursday, October 5, 2000

The Standing Senate Committee on Energy, the Environment and Natural Resources has the honour to present its

SIXTH REPORT

Your Committee, to which was referred Bill C-27, An Act respecting the national parks of Canada, has, in obedience to the Order of Reference of Wednesday, June 28, 2000, examined the said Bill and now reports the same without amendment, but with observations which are appended to this report.

Respectfully submitted,

MIRA SPIVAK
Chair

(For text of observations, see today's Journals of the Senate, p. 894.)

Hon. Tommy Banks: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(b), I move that the bill be read a third time later today.

The Hon. the Speaker: Is leave granted, honourable senators?

Some Hon. Senators: No.

The Hon. the Speaker: Leave is not granted.

On motion of Senator Banks, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

DEFENCE PRODUCTION ACT

BILL TO AMEND—REPORT OF COMMITTEE

Hon. Bill Rompkey, for Senator Kolber, Chairman of the Standing Senate Committee on Banking, Trade and Commerce, presented the following report:

Thursday, October 5, 2000

The Standing Senate Committee on Banking, Trade and Commerce has the honour to present its

TENTH REPORT

Your Committee, to which was referred the Bill S-25, An Act to amend the Defence Production Act, has examined the said Bill in obedience to its Order of Reference dated Thursday, September 21, 2000, and now reports the same with the following amendments:

1. Pages 2 to 5, Clause 5:

(a) Page 2,

(i) Replace, in the English version, before line 1, the title "REGULATION OF CONTROLLED GOODS" with the following:

"REGULATION OF ACCESS TO CONTROLLED GOODS";

(ii) Replace line 13 with the following:

"registration under section 39 or 39.1, knowingly ex-";

(b) Page 3,

(i) Replace lines 21 to 23 with the following:

"39. Individuals of a class prescribed by regulation are exempt from registration.

39.1 (1) The Minister may, in accordance with the regulations, exempt an individual from registration and"; and

(ii) Replace lines 33 to 35 with the following:

"(4) If an exemption is granted, the Minister shall furnish, in accordance with the regulations, a certificate of";

(c) Page 4, Replace, in the English version, line 26 with the following:

"inspection or copying any document that"; and

(d) Page 5, Replace line 16 with the following:

"sections 39 and 39.1, including".

2. Page 7, Clause 7: Replace line 35 with the following:

"section 46, the schedule set out in the".

Respectfully submitted,

E. LEO KOLBER
Chairman

• (1440)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Senator Rompkey: With leave, now.

The Hon. the Speaker: Is leave granted?

Some Hon. Senators: No.

Hon. Dan Hays (Deputy Leader of the Government): Would later in the day be a more favourable time?

Hon. John Lynch-Staunton (Leader of the Opposition): With an explanation of the amendments, yes.

Senator Rompkey: Could I speak to this matter, honourable senators?

Senator Lynch-Staunton: No. We do not have a copy of the report. Give us a break!

Senator Rompkey: I would like an opportunity to speak, if I may.

The Hon. the Speaker: The honourable senator may ask for leave to speak, but I would need leave to allow him to do so.

Honourable senators, is leave granted for Honourable Senator Rompkey to speak?

Hon. Senators: Agreed.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition: If my honourable friend asks that the report be considered later this day, I think he will find favour.

[Translation]

Senator Rompkey: I should like to propose that the report be considered later this day, honourable senators. There is a time constraint involved here. There is an international agreement between the two countries to review —

Senator Lynch-Staunton: Tell us that later.

Senator Hays: Later this day, yes.

Hon. Marcel Prud'homme: Can we ask questions?

The Hon. the Speaker: The Honourable Senator Rompkey has asked that leave be granted to consider this report later this day rather than now.

Honourable senators, is leave granted?

Hon. Senators: Agreed.

On motion of Senator Rompkey, bill placed on the Orders of the Day for consideration later this day.

PROCEEDS OF CRIME (MONEY LAUNDERING) ACT

BILL TO AMEND—FIRST READING

Hon. Dan Hays (Deputy Leader of the Government) presented Bill S-30, to amend the Proceeds of Crime (Money Laundering) Act.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Hays, bill placed on the Orders of the Day for second reading two days hence.

INTER-PARLIAMENTARY UNION

ONE HUNDRED AND THIRD CONFERENCE, AMMAN, JORDAN— REPORT OF CANADIAN GROUP TABLED

Hon. Sheila Finestone: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian Group of the Inter-Parliamentary Union which represented Canada at the one hundred and third Inter-Parliamentary Conference held in Amman, Jordan, from April 30 to May 6, 2000.

PARLIAMENTARY REFORM

NOTICE OF INQUIRY

Hon. Gerry St. Germain: Honourable senators, I give notice that on Tuesday, October 17, 2000, I will call the attention of the Senate to the concerns expressed by Canadians in the western and territorial region that I represent, with regard to the need for fundamental and far reaching reform of Canada's Parliamentary Institutions: the Senate and the House of Commons. A diverse, federal country like Canada needs an effective, useful and viable Upper House to represent provincial and regional interests. As such, reform of the Senate needs to:

[English]

- (a) focus attention on defining the purpose of the Senate, consequently giving the Senate the legitimacy which it deserves to be an active participant in the legislative process;
- (b) define the role which a revised Senate might take at a national level and the powers which would be appropriate for it to exercise in harmony with the House of Commons;
- (c) give standing committees a more effective position of governing in the Senate, more particularly in relation to the task of reviewing the nomination of federally pointed judges;
- (d) determine the length of term of office;
- (e) determine an alternate means by which to select members of the Senate;
- (f) determine the nature of its regional representation, particularly a desire to see each province finally receive the numerical representation it deserves in the Senate of Canada; and that there needs to be reform in the House of Commons to:

(a) make it more democratic and accountable;

(b) give all Members the freedom to be part of the policy-making process. MPs need the ability to voice and promote the concerns of their constituents — to truly represent their people;

(c) determine recommendations addressing the democratic accountability which could be through such measures as (1) having free votes; (2) giving standing committees legitimate authority to exercise thorough examination of government policies; legislative proposals; fiscal measures and, providing parliamentarians with a forum and mechanism to introduce the legitimate concerns and ideas of Canadians.

QUESTION PERIOD

NATIONAL DEFENCE

REPLACEMENT OF SEA KING HELICOPTERS— POSSIBLE SOLE-SOURCING OF PROGRAM

Hon. J. Michael Forrestall: Honourable senators, I have a question for the Leader of the Government in the Senate concerning helicopters.

The minister will recall that some time ago I questioned the government on a directed contract of the Eurocopter for the maritime helicopter project. The letter of interest ensures that will happen. Having examined the regional industrial benefits, we find that 60 per cent of the RIBs on the basic mission vehicle may be in the automotive industry and 40 per cent on the mission systems and integration. The cap on the so-called "green helicopter" is \$925 million. The rest of the money will be spent on the maritime helicopter mission systems integration.

Windsor, Ontario, just received a \$1.5-billion modernization and expansion to its DaimlerChrysler plant. For those senators who do not know, that is the parent firm of Eurocopter. It just so happens that 60 per cent of the \$925-million cap on the basic vehicle is \$555 million and 40 per cent of the remaining \$1.9 billion is a little less than \$1 billion, for a total of almost \$1.5 billion.

In face of this information, will the government now admit that it is sole-sourcing and directing the helicopter replacement program?

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, no, the government will not make such a statement. The procurement program, as the honourable senator well knows, will be a two-phase competition. The initial competition will result in two separate contracts: one for the basic vehicle and one for the in-service support of the basic vehicle.

• (1450)

Senator Forrestall: Answer my question!

Senator Boudreau: The first phase will be followed by a second competition and contract for in-service support.

Both those stages of competition will be open. We believe a number of companies will be very interested and active in pursuing the contracts in the first stage as well as the subsequent contracts for the mission system and integration. We would not agree with the honourable senator's conclusions.

Senator Forrestall: Honourable senators, the leader is living in a dreamland somewhere. It will be interesting to see what the people of Dartmouth say about this in the next federal election, which may come soon.

I would have thought the minister would have the courage and gumption to get up and address the problem. It is blatantly obvious to everyone that he has in fact thrown out any concept of fair and open tender with respect to this process.

An Hon. Senator: Oh, come on.

Senator Forrestall: No, you come on. Read the numbers, senator, and then tell me what you think.

Could the minister table in the chamber, either later today or, if we have the fortune to be here, in a few days' time, the document from the Department of Industry or Public Works and Government Services relating to the DaimlerChrysler plant in Windsor, Ontario, and all of the submissions from Industry to the government's LOI with respect to the maritime helicopter project? Perhaps he can avoid what is looking increasingly like a boondoggle and gross interference in the process.

Senator Boudreau: Honourable senators, of course I will discuss the senator's request with the Minister of Industry to see whether it is reasonable to table that document. I cannot give him that commitment at this time. I would say, though, going back to the central question, that I have had the opportunity meet, albeit on a very informal basis, with a number of companies that are very interested in the helicopter procurement process. Those companies certainly did not lead me to believe that they thought the process was less than competitive. They very much believed that they were in the running for that helicopter contract. No contact has come to me from the industry that would indicate the level or the nature of the concerns raised by the honourable senator.

I can only say, once again, that I cannot arrive at the same conclusion as the honourable senator.

Senator Forrestall: Honourable senators, this may very well be the last opportunity to inquire further on this issue. Could I ask the minister whether he sees any relationship between the ownership of DaimlerChrysler and the ownership of Eurocopter? Does that not raise a signal, a bell, a flag, as it does with most Canadians who would like very much to know just what the deal is all about?

This happened, interestingly enough, after the Prime Minister went to Europe and met with the President of France. Does the minister not think that there are some signals here, some messages that should be addressed?

Senator Boudreau: Honourable senators, I do not know precisely what the relationship is, but the fact that the Prime Minister of Canada went to France and spoke with the President of France would be a routine and proper course to take.

The helicopter procurement process will conclude with us having a new piece of equipment that will be cutting-edge in the world. That process is now underway and will be completed as soon as possible. The honourable senator and others have been asking for this process to commence for some time. It has begun and I look forward to its conclusion.

Senator Lynch-Staunton: As a candidate in which riding?

FINANCE

PRIVATE CHARITABLE FOUNDATIONS— TAX EQUITY REGARDING CAPITAL GAINS PROVISIONS— POSSIBILITY OF INCLUSION IN POSSIBLE MINI-BUDGET

Hon. Mira Spivak: Honourable senators, in recent months, the private foundation sector has made an excellent case before officials of the Department of Finance for tax equity with other charitable organizations in Canada. Collectively, this sector accounts for 85 per cent of all Canadian grant-making foundations.

Last year, members of the new Private Foundations Canada contributed more than \$160 million to charities. You are looking surprised. This organization has come together in part to ask for one simple thing of the current government: Do not keep excluding us from the capital gains provision in place for other charities since the 1997 budget.

Some months ago, the Minister of Finance told a conference that he was open to being flexible towards private foundations with respect to extending the policy. I raise this question just in case there will be a mini-budget.

My question for the Leader of the Government in the Senate is: Can Canadians who believe in philanthropy and the excellent work of private foundations expect to see this new policy in the so-called mini budget that is coming up?

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, if a mini-budget is presented in the next weeks or months, I certainly would prefer to let the Minister of Finance announce the details of that budget. I take note not only of the honourable senator's question but of her comment that the minister indicated a willingness to show some flexibility. I will pass along the honourable senator's question and I will also pass along that reminder of his earlier reaction.

Senator Spivak: Can I say then that the minister will be an advocate for this particular policy with the Minister of Finance? I know the minister's response will be very much appreciated by the members of Private Foundations Canada who constitute some of those Canadians who do support the political process at all times and certainly in times of elections.

Senator Boudreau: I am sure the honourable senator will understand that those organizations would not want some superficial reaction from me without first clearly understanding all of the ramifications of the request. I certainly will give the matter very reasoned consideration.

In my discussions with the Minister of Finance, perhaps, as I have in the past, I can benefit from his viewpoint on this issue.

Senator Spivak: Honourable senators, I have some background documentation on this issue, and I would be more than pleased to send it along to the Leader of the Government. The information comes from the association called Private Foundations Canada. I will ensure that a copy is delivered to the minister so that he will be well briefed when speaking to the Minister of Finance.

Senator Boudreau: I would appreciate it if the honourable senator would send me that material. I will review it prior to my conversation with the Minister of Finance.

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I have an answer to a question put on September 19, 2000, by Senator Forrestall regarding the replacement of Sea King helicopters, costing elements of procurement competition; a response to a question of September 19 by Senator Kelleher regarding the World Trade Organization; a response to a question of September 20, 2000, by Senator Forrestall regarding the eviction of military families from military housing to shelter homeless; an answer to a request posed September 20, 2000, by Senator Spivak regarding the motion to establish an Office of Children's Environmental Health; and a response to a question posed on September 21, 2000, by Senator Comeau regarding the fishery conflict at Burnt Church, New Brunswick and alleged offers of incentives not to fish.

NATIONAL DEFENCE

REPLACEMENT OF SEA KING HELICOPTERS— COSTING ELEMENTS OF PROCUREMENT COMPETITION

(Response to question raised by Hon. J. Michael Forrestall on September 19, 2000)

On August 17, 2000, the government announced the launch of the Maritime Helicopter Project (MHP). The announcement stated that two separate competitions would take place. The initial competition would result in two separate contracts, one for the Basic Vehicle (BV) and the other the In-Service Support of the BV. This would be followed by a second competition which would result in a contract for the Mission System/Integration and a second contract for its In-Service support.

We believe that using this approach, involving separate competitive contracts for the basic helicopter and mission systems and systems integration, will allow us to procure the best possible helicopter and mission systems that meet DND's operational needs — at the lowest cost.

In fact, separate competitive contracts will also result in broader industry participation in this major Crown project.

Currently there are many companies worldwide that have the ability to meet the requirements to either produce the basic helicopter or integrate the Mission System onboard the helicopter or both. There are also several companies that have the capability to provide and install into the basic helicopter integrated mission systems.

Through this competitive process, the government will be selecting the lowest price compliant bids for the basic vehicle and for the mission systems and integration onboard the aircraft that meet the operational requirements of the Department of National Defence as set out in its Statement of Requirements (SOR). The SOR is currently available on the MHP web site for review by Industry.

The Government intends to purchase an off-the-shelf helicopter, therefore, certification of the aircraft at the time of contract award mitigates against risks associated with developmental products. This is not unique. In fact the RFP for the supply of the Search & Rescue helicopter required that aircraft certification be available prior to or on submittal of the proposal(s).

Evaluation of the formal bids will be based to the maximum extent possible on mandatory criteria, with the lowest price compliant bid being the one recommended to Government for approval provided that: compliant technical bids have acceptable terms and conditions; have an acceptable Industrial and Regional Benefits package and have an acceptable overall risk assessment.

For the Maritime Helicopter Integrated Mission Systems (MHIMS), the contract will be awarded to the lowest-priced compliant proposal that includes the price of the MHIMS and their integration into the new basic helicopters. Compliant bids will be those evaluated as technically compliant; having acceptable terms and conditions; having an acceptable IRB package; and having acceptable overall risk assessment.

It is important to note that the industry has been preparing for this procurement for a considerable length of time and potential bidders now have the opportunity to offer to Canada basic helicopters and mission systems that can meet DND's requirements.

FOREIGN AFFAIRS

WORLD TRADE ORGANIZATION— REQUEST FOR WIN-LOSS RECORD ON DISPUTE RULINGS

(Response to question raised by Hon. James F. Kelleher on September 19, 2000)

Since the World Trade Organization (WTO) came into force in 1995, Canada requested the establishment of a WTO panel to rule on seven measures maintained by other WTO Members. During the same period, other WTO Members requested the establishment of a Panel to address their complaints against seven Canadian measures. All the reports of WTO Panels and of the WTO Appellate Body are made available on the WTO website at the time they are circulated to WTO Members.

Summary of Canada's offensive cases:

- EC — French measure on scallops: the Panel issued its confidential interim report to the disputing parties in early 1996. The report was favourable to Canada. The disputing Parties suspended the proceedings and agreed on a settlement which was notified to the Dispute Settlement Body on July 5, 1996.
- Japan — measures regarding taxes on alcoholic beverages (joint Panel with the U.S. and the EC): the Panel and the Appellate Body concluded that the Japanese tax system as it applied to alcoholic beverages was inconsistent with Japan's obligations under the General Agreement on Tariffs and Trade (GATT). Both reports were adopted on November 1, 1996. Japan has since implemented the rulings.
- EC — ban on beef produced with growth-promoting hormones (joint Panel with the U.S.): the Panel and the Appellate Body ruled that the EC was in violation of its obligations under the Agreement on the Application of Sanitary and Phytosanitary Measures. The reports were adopted by the Dispute Settlement Body on February 13, 1998. As a result of the EC's failure to implement the rulings, the Dispute Settlement Body authorized Canada, on July 26, 1999, to retaliate in an amount of \$11.3 million annually. Retaliatory measures were implemented August 1, 1999.
- Australia — ban on the importation of fresh, chilled and frozen salmon: the Panel and the Appellate Body found the Australian measures inconsistent with Australia's obligations under the Agreement on the Application of Sanitary and Phytosanitary Measures. The reports were adopted by the Dispute Settlement Body on November 6, 1998. On February 18, 2000, a compliance panel found that Australia had not implemented the rulings on fresh, chilled and frozen salmon. Canada and Australia reached an agreement on Australia's implementation on May 16, 2000.

- Brazil — export financing programme for aircraft: the Panel and the Appellate Body found Brazil to be in violation of its obligations under the Agreement on Subsidies and Countervailing Measures. The reports were adopted by the Dispute Settlement Body on August 20, 1999. On May 9, 2000, a compliance Panel ruled that Brazil had not properly implemented the rulings on the export financing programme for aircraft. On August 28, 2000, a WTO Arbitrator estimated at \$344.2 million annually the amount of retaliation Canada could take against Brazil for the continued failure to implement the WTO rulings on aircraft. Canada and Brazil are currently holding bilateral discussions on Brazil's implementation.
- EC — French ban on asbestos: the Panel found that the French ban on chrysotile asbestos is consistent with WTO Agreements. The report of the Panel was circulated to WTO Members on September 18, 2000. Canada announced that it will appeal the rulings.
- U.S. — export restraints: the WTO Panel was established on September 11, 2000 to hear Canada's complaint that the U.S. treatment of export restraints in countervailing duty investigations is contrary to U.S. obligations under the Agreement on Subsidies and Countervailing Measures.

Summary of Canada's defensive cases:

- Periodicals — complaint by the U.S.: the Panel and subsequently the Appellate Body found the Canadian measures to be inconsistent with Canada's obligations under the GATT. Both reports were adopted by the Dispute Settlement Body on July 30, 1997. Canada implemented the rulings.
- Pharmaceutical patent regime — complaint by the EC: the EC challenged two provisions of Canada's Patent Act, the early working exception and the stockpiling exception. The Panel ruled that the early working exception was consistent with Canada's obligations under the Agreement on Trade-Related Intellectual Property Rights (TRIPS) but that the stockpiling exception was not. Canada has until October 7, 2000 to implement the rulings.
- Canada's patent term — complaint by the U.S.: the Panel found that Canada's patent term for certain pre-1989 patents is inconsistent with Canada's obligations under the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS). On September 18, 2000, the Appellate Body confirmed the Panel's findings. The reports of the Panel and Appellate Body will be adopted at a future meeting of the Dispute Settlement Body.
- Automotive industry — complaints by the EC and Japan: the Panel and Appellate Body found that key

elements of the Auto Pact violated Canada's trade obligations under the GATT, the General Agreement on Trade in Services (GATS) and the Agreement on Subsidies and Countervailing Measures. The reports were adopted by the Dispute Settlement Body on June 19, 2000. Canada has implemented the subsidies finding and is awaiting an Arbitrator's decision on the time it will have to implement the other findings.

- Dairy products — complaints by the U.S. and New Zealand: the Panel and the Appellate Body found that Canada's exports under Special Milk Classes 5(d) and (e) were export subsidies subject to Canada's export subsidy reduction commitments under the Agreement on Agriculture. Since the quantity of exports under Classes 5(d) and (e) exceeded Canada's reduction commitments, Canada was found to be in breach of its obligations. Canada's limit of \$20 on fluid milk imports for personal use was also found contrary to Canada's obligations. The Dispute Settlement Body adopted the Panel and Appellate Body reports on October 27, 1999. The Canadian industry is currently developing replacement programmes. Canada has until December 31, 2000 to implement the rulings.
- Measures affecting the export of civilian aircraft - complaint by Brazil: the Panel and the Appellate Body found that, of the 7 programmes cited by Brazil, only 2 were found inconsistent with the Agreement on Subsidies and Countervailing Measures. The reports of the Panel and Appellate Body were adopted by the Dispute Settlement Body on August 20, 1999. On May 9, 2000, a compliance Panel found that Canada had fully implemented the rulings on the Technology Partnerships Canada programme but that minor changes were required on the Canada account support for regional aircraft. The Appellate Body upheld the compliance Panel's decision on July 21, 2000. Canada is in the process of making the required changes.

NATIONAL DEFENCE

EVICTION OF MILITARY FAMILIES FROM MILITARY HOUSING TO SHELTER HOMELESS

(Response to question raised by Hon. J. Michael Forrestall on September 20, 2000)

In June 2000, the Department of National Defence (DND) informed residents of Rockcliffe of its plans for the future of surplus Married Quarters at Rockcliffe. Under this plan, some occupants will be asked to vacate by July 31, 2001, while others by July 31, 2003. At the end of the first two phases of this exercise, DND will have reduced its houses at Rockcliffe by 55 per cent to 342 Married Quarters. Ultimately, all Married Quarters would be consolidated at Uplands.

A 13-month lead-time has been provided to minimise the disruption to families and give them ample time to adjust. In addition, military families are being offered a fully paid move to another Married Quarters, either in the western area of Rockcliffe or at Uplands.

This plan is fully consistent with DND and Treasury Board policy, which states that the Crown should provide assistance only where the private sector housing market cannot meet the needs of Canadian Forces members.

While DND is examining possibilities to assist in the Government's homeless initiatives, the decision to vacate Married Quarters at Rockcliffe has nothing to do with possible assistance to the homeless. The nature of DND's contribution to homeless initiatives is still under discussion with other government departments and local authorities.

THE SENATE

MOTION TO ESTABLISH OFFICE OF CHILDREN'S ENVIRONMENTAL HEALTH—RESPONSE OF GOVERNMENT

(Response to question raised by Hon. Mira Spivak on September 20, 2000)

Health Canada has reviewed the Canadian Institute of Child Health (CICH) report on the Health of Canada's Children. This Government concurs with many of the findings of this important report particularly the need for more research to deepen our understanding of the science needed to best protect Canada's children. It agrees that more research must be done to better understand the increasingly complex mix of substances that today's children are exposed to. Using existing initiatives such as the Toxic Substances Research Initiative (TSRI) and the Canadian Institute for Health Research (CIHR) and with working partners within and outside government the government is looking at more ways to encourage new research on our children's environment.

There was a 5 National Resources (5NR) conference regarding Children's Environmental Health in Ottawa in May of this year. At that conference, a report was tabled which looked at gaps, blind spots and priorities for government. Health Canada takes seriously all of these expert reports and suggestions regarding children's health. It also met with a number of non-government organizations regarding this issue. There is no doubt that there is a rising chorus of voices asking for an Office of Children's Health, and for more focussed research, and a rethink of risk assessment approaches as they relate to children. This Government has heard these voices (including that of the Senate), as well as those of our own science staff who are advocates of children's protection also. There is no doubt that there must be action taken on these issues.

The Ministers of Health and of the Environment have discussed how they may be more pro-active on children's environmental health and mechanisms and approaches for providing national leadership and co-ordination. Proposals such as the establishment of an Office are being analysed to determine how best they might fit into the Government's agendas on the environment and on children.

FISHERIES AND OCEANS

BURNT CHURCH, NEW BRUNSWICK—DISPUTE OVER FISHERY—ALLEGED OFFER OF INCENTIVES NOT TO FISH

(Response to question raised by Hon. Gerald J. Comeau on September 21, 2000)

Neither the Department of Fisheries and Oceans nor the Minister of Fisheries and Oceans offered any compensation or incentives to commercial fishers in return for their agreement not to fish in and around areas currently being fished by native lobster fishermen. It is the Minister's understanding that Mr. Rae, in the course of his mediation, explored a number of options in an attempt to reach a consensus among the various parties. This may have included possible compensation to fishermen for the impact of the unauthorized fall fishery by the Esgenoôpetitj (Burnt Church) First Nation. Unfortunately, the mediation process failed and no concrete options were submitted for the Minister's review or approval. Therefore, an opinion on the appropriateness of an option would be merely speculation.

CAPE BRETON DEVELOPMENT CORPORATION

DIVESTITURE PROCESS—REQUEST FOR UPDATE

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I also have an answer to a two-part question posed on September 20, 2000, by Senator Murray, regarding the Cape Breton Development Corporation divestiture process.

Hon. Lowell Murray: Would the Deputy Leader of the Government read that, please?

Senator Lynch-Staunton: Was it a written question or an oral question?

• (1500)

Senator Hays: Honourable senators, I am not sure whether it is a written or oral question. In any event, Senator Murray asked me to read the response, and I believe our practice in that event is to read the response. For it to make sense, I will read both the question and the response.

There are two questions, the first of which is as follows:

...I wish to ask the Leader of Government a question about the Cape Breton Development Corporation file on which I have no doubt that he is fully conversant and informed.

We passed a bill in June to facilitate the privatization of that Crown corporation. It appears that on July 6, a letter of intent was signed by Devco with Oxbow Carbon & Minerals Inc. of the United States for the sale of Devco. Nothing seems to have happened since that time.

One understands that the three conditions attached to a successful completion of the transaction are: first, that the sale of coal contract be negotiated with Nova Scotia Power; second, that the collective agreement be signed with the United Mine Workers, District 26, and third, that the purchase price be acceptable.

Why is it taking so long? What is the status of this transaction?

The response is that negotiations are ongoing with respect to an asset purchase agreement. Devco's goal is to conclude the sale process as soon as possible.

Senator Hays: The second question is:

I understand that there is no deadline, publicly at any rate, for a conclusion of the transaction.

Would the minister ascertain whether, for planning purposes, the Department of Finance has set a date by which it expects to be clear of the Cape Breton Development Corporation?

The response is that Devco is proceeding with the sale as expeditiously as possible. However, irrespective of the timing of any sale, Devco has ongoing liabilities, which will require government funding for several years. Following a sale, a shell corporation would continue in order to address liabilities.

[Translation]

Leave having been granted to revert to the tabling of reports by Inter-Parliamentary delegations.

CANADA-JAPAN INTER-PARLIAMENTARY GROUP

REPORT OF CANADIAN DELEGATION TABLED

Hon. Marie-Paule Poulin: Honourable senators, pursuant to rule 23(6), I have the honour to table, in both official languages, the report by the delegation of the Canada-Japan Inter-Parliamentary Group on the annual visit by our Chair to the members of the Diet, from September 4 through 10, 2000.

[English]

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, before we get into government business, I should like to ask my colleague the Deputy Leader of the Government to share his expectations with all honourable senators so that we may have a sense of our schedules over the next few weeks.

My understanding is that next week the other place will not be sitting. Monday is a statutory holiday. If the House of Commons is not sitting, there will be no legislation coming to this house from that place. Is there an expectation that we would sit on Monday, October 16, and throughout that week?

Furthermore, whilst there are many schools of thought, there is only one person in town who knows what will happen, or whether there will be a visit to Rideau Hall on that weekend. I have been taught that it is always much safer to speak as a historian rather than as a prophet in these matters. With that background, I wonder whether my honourable colleague could give us a sense of his expectations?

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I should like to thank Senator Kinsella for the question because he is correct. Events that we have read about have left us uncertain as to the length of this Parliament. It is possible that we are in a bigger hurry than we might otherwise have been to deal with matters on our Order Paper. We are having discussions but the question, of course, indicates to all in this place that those are ongoing.

Honourable senators, the expectation that I have at the present time is that when we come to the adjournment motion at the end of the Notice Paper today I will propose — and I will require unanimous consent for this — that we adjourn to Monday, October 16, at two o'clock. Senator Kinsella has indicated that the House is not sitting next week so we will not be receiving any legislation. However, the other place is dealing with legislation that, in the context of the honourable senator's question, is important; namely, Bill C-41 on veterans' benefits; Bill C-44 on Employment Insurance; Bill C-45 on fiscal arrangements.

We may get one of those bills tomorrow, although, as I have indicated, when we get to the adjournment motion it is my intention to adjourn to Monday, October 16. That gives us time to deal with that legislation if there is a will in this place to do so. As my counterpart knows, I am aggressively pursuing the matter to ensure that we do have a will to deal with these things.

Honourable senators, that is the expected sitting time, as I stand here at this moment. Bill S-25, concerning defence production, will be considered later this day. The report of the committee that has been dealing with Bill S-25 has been circulated. This bill is important in terms of the defence industry's licensing with the United States. Hopefully we will be able to deal with that bill. If we are not able to deal with that bill today, I suppose we could deal with it tomorrow. I am hoping that we can deal with that today.

For the rest of it, the bills on the Order Paper will be subject to the usual process. In terms of management of this place, between ourselves, but for the benefit of all senators, that will be an ongoing discussion.

One final matter that I should like to raise is that later this day I plan to move the motion that I gave notice of yesterday with respect to the Privacy Commissioner. We have established a practice here of hearing from the Privacy Commissioner from time to time. When we have heard from him in the past, we have televised the proceedings. The motion is, in effect, a request of the government to confirm a new Privacy Commissioner, who is the current acting Privacy Commissioner. I would hope that early on in the week we return, if we adjourn as I have indicated, we will be able to hear from the nominated acting Privacy Commissioner in that fashion.

In any event, honourable senators, that is the way I see our work unfolding at the present time. It will continue to be the subject of discussion between us.

Hon. Marcel Prud'homme: Honourable senators, I believe there is a little ambiguity now. I was waiting to ask a question when the deputy leader puts his motion pertaining to Mr. Radwanski's appointment as Privacy Commissioner. The deputy leader has just raised the matter so I hope His Honour will not see fit to rule me out of order, as he would normally if I were to ask questions about something that is to take place later. If honourable senators agree that I can put my question now, I will. If not, I do not want to lose my chance of questioning later when we come to this order if someone were to say that I had my chance before. I am in your hands. I did not open the subject.

The Hon. the Speaker: Honourable Senator Prud'homme, the question asked by Honourable Senator Kinsella to Honourable Senator Hays was with regard to the business of the Senate and the timing and management of legislation.

• (1510)

If the question is one of management of time, there is no problem in asking the question. However, to ask a question on the substance of an item is not appropriate, such as the subject of the Privacy Commissioner. If the question relates to when we may hear the matter or how it will be handled, such a question would be in order.

Senator Prud'homme: Therefore, I shall ask my question now. How is it intended that the matter will proceed? I have just read the minutes of the other chamber. I will be very blunt: As usual, the House of Commons was stampeded. I read the speeches of many members of the other place who appear to have woken up a little bit too late. I would have thought the Senate would proceed differently, in a more orderly fashion. We are under no pressure. I should like to know in what manner the matter will be disposed of.

There are two possibilities. First, send the matter to the appropriate committee, the committee will do their work and report back for debate in the full Senate. Second, there are

precedents where the Privacy Commissioner could appear before us. We have heard from Mr. Phillips twice on the floor of the Senate. We have very few commissioners whose authority comes from Parliament and not from government. We should not deal with that lightly. Once we agree, that is it. Our bed is made. I should like to have an indication from the parties, including the Official Opposition, as to how they intend to proceed and what kind of suggestions they are ready to offer.

Senator Hays: As I indicated earlier, I will move the motion and speak. That will open the matter for debate. I would encourage all senators to take advantage of that, starting today.

As to the disposition of the motion, that will not occur until we return. There is no will to do it today, nor is it timely. However, early in the week that we return, it will be my intention to ask this place to go into Committee of the Whole and receive Mr. Radwanski so that we may hear his statement and question him. I hope that the Committee of the Whole will then report back to the house and that we will then vote or deal with its report.

The Hon. the Speaker: If there are no further questions, we will proceed to Orders of the Day.

ORDERS OF THE DAY

WESTERN CANADA TELEPHONE COMPANY

THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Hays, seconded by the Honourable Senator Callbeck, for the third reading of Bill S-26, to repeal An Act to incorporate the Western Canada Telephone Company.

Hon. Donald H. Oliver: Honourable senators, it is an honour to rise on third reading of Bill S-26, to repeal an Act to incorporate the Western Canada Telephone Company.

I have a long-standing interest in telephony and telecommunications and I have served as Chairman of the Senate Standing Senate Committee on Transport and Communications when we did a detailed pre-study of Bill C-62, the Telecommunications Act.

I subsequently had an opportunity to study and learn, from the inside, some of the outreach and new initiatives from BC Tel during a working study sponsored by the Parliament Business and Labour Trust a few years ago.

The telecommunication industry is in a state of flux and rapid change. Convergence and movement from analogue to digital technology, from wire line to wireless and speed enhancements in our fibre optic technology have revolutionized the way that business is carried out in this country and around the world.

For that reason, it was imperative that the Parliament of Canada address statutes like the British Columbia Telephone Company Special Act of 1916 and other acts through Bill S-26 to bring them up-to-date and to ensure that the western communications system can be competitive with the rest of Canada and the world.

When I was at BC Tel and met with the then chairman and CEO Brian Canfield, he explained that, in 1993, his company was reorganized under a holding company, BC Telecom Inc. which, as honourable senators know, subsequently merged with the Alberta company, Telus.

Honourable senators, I agree with Honourable Senator Fitzpatrick's statement that the BC Tel Act is now outdated and that it imposes restrictions on BC Tel.

The former BC Tel has requested that the BC Tel Act be repealed by the end of 2000 so that they can structure important regulatory submissions due in early 2001 based on a merged operating company. Such a major change to their submissions following the due date would impose significant costs and regulatory delay.

Honourable senators, I can find no provisions in the statute as drafted that require change, alteration or amendment. Accordingly, I support early passage of this bill to afford BC Tel the flexibility it needs to compete with the rest of Canada and the world.

The Hon. the Speaker: If no other senator wishes to speak, I will proceed to third reading.

Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and bill read third time and passed.

CANADIAN TOURISM COMMISSION BILL

THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Callbeck, seconded by the Honourable Senator Cook, for the third reading of Bill C-5, to establish the Canadian Tourism Commission.

Hon. Marjory LeBreton: Honourable senators, I am pleased to speak today to third reading of Bill C-5, to establish the Canadian Tourism Commission.

The intent of this bill is to transform the commission into a Crown corporation. I am pleased that the Standing Senate Committee on Social Affairs, Science and Technology studied this bill and had the privilege of having the new president and CEO, Mr. Jim Watson, as a witness. Our committee referred the bill back to this chamber without amendment.

This bill is widely supported by the tourism industry and those directly impacted by tourism. It will provide greater freedom and flexibility to the commission in executing its duties to plan, manage and implement programs that generate and promote tourism in Canada.

The tourism industry exerts a substantial financial impact on our country and accounts for nearly \$51 billion of income. In Ontario, tourism accounts for \$6.9 billion of the provincial GDP. That places tourism well ahead of agriculture, mining, logging and forestry.

The far reach of a booming tourism industry has a remarkable impact across the economic spectrum from the individual to small and large businesses.

Tourism is one of the world's largest and fastest growing industries. As Canada competes for a greater share of the growing world market, we must continually improve our plans in order to maintain a high level of competency in this most competitive market.

By becoming a Crown corporation, the Canadian tourism industry will now be better able to promote tourism at home and around the world. These changes will enable the commission to conduct itself in a more structured, business-like way, allowing for greater administrative, financial and personal flexibility.

Honourable senators, with the establishment of the Canadian Tourism Commission, the Crown corporation can now move to a new level of responsibility which will ensure the best possible framework from which to sustain and generate Canadian tourism. As the Canadian Tourism Commission continues to work towards expanding and enhancing our reputation, our tourism industry will continue to grow and thrive. The result will be a tremendous benefit to Canada, its citizens and our economy.

In closing, honourable senators, I would add a personal word about the recent appointment of Mr. Jim Watson, the former mayor of the City of Ottawa. Those of us who are privileged to know him and have had the opportunity to observe first-hand his considerable talent and untiring commitment to public service, celebrate his appointment as president and CEO of the commission. His enthusiasm, knowledge and talent, not to mention his love of Canada, can only leave us to contemplate how far he will take the Canadian Tourism Commission. We are indeed fortunate to have his services.

I am honoured and happy to support this bill.

• (1520)

The Hon. the Speaker: If no other honourable senator wishes to speak, we will proceed to third reading.

Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and bill read third time and passed.

DEFENCE PRODUCTION ACT**REPORT OF COMMITTEE ADOPTED**

The Senate proceeded to consideration of the Tenth Report of the Standing Committee on Banking, Trade and Commerce, on Bill S-25, to amend the Defence Production Act, presented earlier this day.

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I should like to speak to this item. Bill S-25 was reported earlier this day and we have agreed to deal with it at this time.

The sponsor of the bill is Senator Rompkey and he has spoken in depth on the importance of it. I reiterate his request that honourable senators deal with the bill today. The reason for the request is that if, by chance, the Senate does not sit beyond the next week that we are scheduled to sit, there would be a long period during which our defence industry would be without the benefit of having made good on an undertaking to continue particular licensing arrangements with the United States. The licensing arrangements allow us to produce and manufacture defence products using proprietary information. Accordingly, it is important that we deal with this matter in a timely fashion.

Senator Lynch-Staunton observed, quite properly, that a bill reported unamended is one thing, while a bill reported with amendments may be another matter. I have had an opportunity to look at the amendments. The amendments resulted from the evidence of witnesses and are fairly technical. They are important and do change the nature of the bill.

One amendment changes the title from "Regulation of Controlled Goods" to "Regulation of Access to Controlled Goods." Clause 5 is amended to refer to an additional section, 39.1, which refers to the making of regulations exempting an individual from registration. There are two parts to that amendment. The other deals with what happens when an exemption is granted.

A further amendment, this one to page 4, line 26, changes the conjunctive word "and" to the disjunctive word "or." That is a fairly straightforward amendment, as are the others.

The next amendment is to page 5 of the bill at line 16. Because section 39.1 is added, the amendment is for consistency and refers to sections 39 and 39.1.

Finally, the bill is amended on page 7 by replacing line 35 with the words "section 46, the schedule set out in the." That makes the bill consistent with the existence of the section and the schedule.

I agree that it is important, when dealing with legislation, to give full consideration to a committee's report, but we must keep other things in mind, and I have raised those points. I hope that we can deal with this bill expeditiously, and have the question put today because, as was observed, the House of Commons is not sitting next week under their rules. Although it is sitting the

following week, there is a possibility of dissolution following the week of October 16.

The passage of this important bill would be of great advantage to an important sector of our economy, namely, the defence production sector, in that we have undertaken to have this legislation in place in order to continue licensing arrangements that serve us very well.

Hon. Bill Rompkey: Honourable senators, I want to add my support to —

The Hon. the Speaker: Honourable senators, in order to get our procedure into the proper order, would the Honourable Senator Rompkey move that this report be adopted now?

Senator Rompkey: I so move.

The Hon. the Speaker: It is was moved by the Honourable Senator Rompkey, seconded by the Honourable Senator Robichaud (*Saint-Louis-de-Kent*), that this report be adopted.

Is it your pleasure, honourable senators, to adopt the motion?

Hon. John Lynch-Staunton (Leader of the Opposition): What was Senator Hays doing?

The Hon. the Speaker: The problem was that Senator Rompkey, the sponsor of this bill, was not in his seat at the time the order was called, so Senator Hays spoke. If it is agreeable, we will assume that Senator Hays spoke on the motion for the adoption of the report.

Senator Lynch-Staunton: You said that there was no motion.

The Hon. the Speaker: There is now.

Senator Lynch-Staunton: It is all retroactive.

The Hon. the Speaker: No one raised a point of order saying that Senator Hays was speaking without a motion before us. I allowed him to continue and now I want to regularize the proceedings in order that we do have a motion before us.

Senator Rompkey: Honourable senators, I wish to reiterate what Senator Hays has said about the necessity of proceeding with this legislation with some expedition. This matter is of importance to the defence production industry in this country, particularly in the provinces of Quebec and Ontario. There are 85,000 jobs at stake in that industry in Canada, as well as billions of dollars.

There was a change in the American regulations and the purpose of this bill is to harmonize our system with theirs. The Americans have agreed to the process, but they want the new system in place this spring. There is an agreement between our minister and his counterpart in the United States to review this matter this winter. We need to deal with it expeditiously. The defence industry believes that it is very important that we proceed with this bill.

From the point of view of timing, as Senator Hays has said, if we do not sit next week, and if the universe unfolds as it should in future weeks, neither we nor the House of Commons may be able to deal with this bill. It is important that this bill not die. It is very important to the 85,000 people who work in the defence production industry in Canada and it is important for our economy. I hope that senators will support the bill.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, might I ask the Honourable Senator Rompkey a question?

Senator Rompkey: Of course.

Senator Kinsella: Did the committee hear from the minister?

Senator Rompkey: The committee heard from the minister this morning. It is fair to say that there was support for this bill on both sides of the committee. The amendments are amendments in wording to make the intent of the bill more clear. They do not change the substance of the bill at all.

Senator Kinsella: Was there a debate in the committee on whether, when an inspector decides to inspect any place, the inspector's belief has to be on reasonable grounds? If the answer is in the affirmative, how did the committee conclude on that particular point?

• (1530)

Senator Rompkey: Honourable senators, on that particular point, we heard from lawyers, and I believe if Senator Forrestall were here he would agree with me, that the lawyers advised it would be better not to put that wording in, for purposes that I cannot fully explain and which has to do with the Charter of Rights and Freedoms and other issues. The advice we received from the lawyers who were present this morning was agreed to by both sides. As a matter of fact, the Honourable Senator Kinsella is referring to Senator Forrestall's amendment. It was the advice, and Senator Forrestall concurred, that it was best, for legal reasons, not to insert those words in the bill.

Senator Kinsella: Honourable senators, perhaps we could ask Senator Beaudoin and others with acute legal minds to focus for a moment on that point, the point being that, in committee, if I understand the notes I have received, the principle of an inspector being able to go into somebody's place, in our free society, is a serious invasion of the right of privacy and the right of the person to control his or her environment. Thus, there must be reins placed upon the power that Parliament would give to an inspector.

Is the argument that the inspector would not be carrying out an investigation or an inspection in the same way that a peace officer with a search warrant would be carrying out a search or an inspection of a place where criminal activity is apprehended or suspected? Certainly the principle is clear that a reasonable apprehension has to exist before the peace officer is given the right to invade our privacy.

Under this measure, it is more of an administrative type of inspection that is being carried out.

Is my understanding correct? If not, perhaps others could assist me in that regard.

Senator Rompkey: Honourable senators, obviously Senator Kinsella has a much more acute legal mind than I do. It was admitted this morning that this is not perfect. The arguments Senator Kinsella made were considered, but the committee felt that it was better for the bill to go ahead as is, that is, without the inclusion of those words. Perhaps the explanation given by Senator Kinsella is the appropriate one.

I might also say that, of course, the regulations have not been promulgated. They will also be coming back to us. Perhaps when the regulations come forward, that issue will become clearer.

We were advised by the legal community present in the room this morning that it was better not to put those words in the bill. I am afraid I cannot fully explain why. It was accepted by the minister and by both sides of the chamber present this morning.

Senator Kinsella: Honourable senators, I have the tendency to want to err on the side of the protection of the person's castle and to protect that abode or place of work, humble as it may be, against all the King's horses and all the King's men. Therefore, this point is not trivial and has a degree of seriousness, because we are interfering with the rights of the proprietor. I think you will find in most federal statutes which allow for an inspection, that they require that the inspector's belief in the relevance of the materials that he or she is looking at must be based "on reasonable grounds."

Some specific examples of this, honourable senators, are in the Health of Animals Act, the Canada Agricultural Products Act, the Explosives Act, the Wild Animal and Plant Protection Act, the Regulation of International and Interprovincial Trade Act, the Marine Transportation Security Act, the Canada Wildlife Act, the Plant Protection Act, the Oceans Act, the Employment Equity Act, the Fisheries Act, and, indeed, the Firearms Act. Thus, the pattern, honourable senators, throughout federal legislation is that they do not say, "Well, this is just an administrative matter and not criminal; therefore, the inspector under the Firearms Act or the Plant Protection Act need not have reasonable grounds upon which to enter." Indeed, it is the contrary. Most statutes of Canada require an inspector to exercise that discretion only on reasonable grounds. Therefore, it seems to me that this is a flaw in this legislation. It is a serious enough flaw that I will move an amendment to the bill at the appropriate time.

My questions are directed to Senator Rompkey. Perhaps I should allow him to answer them and then I will seek to speak and move an amendment if I do not receive a satisfactory answer.

Senator Hays: Might I ask a question of the Honourable Senator Kinsella before I lose the opportunity? To what clause of the bill does he refer?

Senator Kinsella: Clause 42.

The Hon. the Speaker: I assume that Senator Kinsella does not consider this to be a threat and that it is simply an observation.

Senator Kinsella: I was not at the committee meeting. Senator Rompkey has a chance to clear this matter up right now.

Senator Rompkey: I am afraid, honourable senators, that this requires a legal opinion that I am not competent to give.

The arguments just put forward by Senator Kinsella and the acts which he listed were recited by Senator Forrestall this morning. The same points we are discussing now in the chamber were discussed in committee this morning. The conclusion of the committee, having had advice from the lawyers who were much more expert on wording than I, is that it was better not to put those words in this particular bill, perhaps because of the sensitivity of the material involved.

This is no ordinary bill. We are talking about classified information that is extremely important to the companies involved and, indeed, to the country. It is not an ordinary bill in that sense.

Those bills to which Senator Kinsella referred were recited by Senator Forrestall this morning. There was an open discussion in committee, both sides having their say. The minister and the legal experts were there. The advice, which was agreed to by all sides, both parties and the minister, was that, under normal circumstances, yes, perhaps it would be well to include those words, but in this particular instance, for reasons that I am not competent to explain clearly, I am afraid, it is better not to put those words in.

I might say again that the bill and the wording of it is fully supported by the aerospace industry in Quebec and Ontario. We have heard from the industry and from individual companies that they would like to have this bill passed as soon as possible in order to get on with their work with their American counterparts.

Senator Kinsella: I thank Senator Rompkey for his information. As a preface to my next question, I would say that there is no desire here to hold this matter up.

In answering the previous question, the honourable senator indicated that perhaps the reason for this legislation reading the way it does is that the inspectors in this sphere of activity are dealing with sensitive matters that may have to do with national security and so on. Am I correct in that?

• (1540)

Second, if that is the case, then do these inspectors have security clearance at the level of secret or top secret or confidential? If they do, why would that not be the protection?

Senator Rompkey: I am sure that is true, honourable senators. The reason behind this bill is to give protection against the unauthorized exchange of information and the leakage of information into the wrong hands. We already have in Canada a

list of classified material unauthorized for distribution. We are simply adding to that list because of changes that were made in the United States. The United States has toughened its requirements. This bill is to harmonize our system with theirs so that the two systems will work in conjunction. To a certain extent, we already have a list of classified material. We are adding to that list and building in penalties for those who break the law. The inspectors are to see that the law is followed and not broken. I am quite sure that they must have security clearance if they are dealing with classified material.

The Hon. the Speaker: If no other honourable senator wishes to speak, is it your pleasure, honourable senators, to adopt the report?

Hon. Senators: Agreed.

Motion agreed to and report adopted.

THIRD READING

The Hon. the Speaker: Honourable senators, we are now at the third reading stage. When shall this bill be read a third time?

Hon. Bill Rompkey: With leave now, honourable senators.

The Hon. the Speaker: Is leave granted?

Hon. Senators: Agreed.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and bill, as amended, read third time and passed.

PRIVACY COMMISSIONER

MOTION TO APPROVE APPOINTMENT OF GEORGE RADWANSKI—DEBATE ADJOURNED

Hon. Dan Hays (Deputy Leader of the Government), pursuant to notice of October 4, 2000, moved:

That, in accordance with Section 53 of the *Privacy Act*, Chapter P-21 of the Revised Statutes of Canada 1985, the Senate approve the appointment of George Radwanski as Privacy Commissioner.

He said: Honourable senators, I should like to begin debate on this motion. The term of the previous Privacy Commissioner, Mr. Bruce Phillips, expired on August 30 of this year. In order to ensure the position was not vacant for any significant period of time, and pursuant to subsection 53(4) of the *Privacy Act*, which states that the Governor in Council may appoint another qualified person to hold office until a new Privacy Commissioner is appointed, the government considered that Mr. George Radwanski should be appointed as interim commissioner.

I am pleased to seek the support of honourable senators today to approve a motion for the appointment of Mr. George Radwanski as Canada's next Privacy Commissioner.

As background, honourable senators may be aware that the other place has considered Mr. Radwanski's appointment in committee and has agreed to the motion that we have before us today.

I am sure all honourable senators will agree that privacy is one of our most cherished rights. The Senate has been a strong supporter of privacy legislation, has been active in ensuring the appointment of qualified persons for the position of Privacy Commissioner, and has taken a keen interest in an ongoing dialogue with the previous commissioner on privacy matters.

[Translation]

The Privacy Act came into effect on July 1, 1983, with the objective of protecting the privacy of individuals. This legislation enables Canadians to have access to the personal information the government holds concerning them, barring certain restrictions set out in the legislation.

[English]

By the same token, the act also protects personal information on Canadians and sets out how government can collect, use and dispose of personal information. The Privacy Commissioner plays a key role in implementing the provisions of the act.

Because of the need for independence from the government, the Privacy Commissioner is an independent officer of Parliament and is appointed by and accountable to Parliament. The Privacy Commissioner acts as an ombudsperson on behalf of Canadians who may have complaints or wish to obtain information about the government's handling of their personal information. The Privacy Commissioner ensures that Canadians are provided with information about them held by the government and that such information is protected in accordance with the act. In this regard, the Privacy Commissioner's key functions are the following: to look into the complaints of Canadians, to monitor compliance under the Privacy Act, and to undertake research.

Mr. George Radwanski will be well known to many honourable senators for his work as a former journalist. His more than 20 years of experience in this area makes him well suited for this position. His career in journalism spans a wide range of responsibilities and positions with a number of major newspapers, including associate editor with the *Montreal Gazette*, Ottawa editor and national affairs columnist with the *Financial Times* of Canada, and editor-in-chief of *The Toronto Star*.

Mr. Radwanski's excellence as an editorial writer was also recognized by his peers in 1980 and 1981 when he was awarded the National Newspaper Award for editorial writing.

Following his departure from the journalism field, Mr. Radwanski began his public service when he was appointed by then Ontario premier David Peterson to head major studies into matters of importance to the Canadian public, including a study into the service sector in Ontario.

[Translation]

In 1996, at the request of the Canadian government, Mr. Radwanski headed an examination into the mandate of Canada Post Corporation. Recently, as the head of a consulting firm, he has specialized in communication policies and services. He is very familiar with the challenges relating to public policy and privacy.

[English]

I am sure all honourable senators will agree that his independence as a journalist makes him particularly well suited for the role of Privacy Commissioner. Therefore, I would urge all honourable senators to support the motion to appoint Mr. Radwanski as Privacy Commissioner.

As I indicated earlier today in response to questions about house business, I believe that the Senate made a practice of hearing from the Privacy Commissioner when the predecessor commissioner, Mr. Bruce Phillips — and hopefully Mr. Radwanski's appointment will be confirmed by us — was brought before this chamber in Committee of the Whole for purposes of our putting questions to him. I believe that was a good practice, one that we will want to follow again. Senator Prud'homme, in particular, was interested in knowing how much time we would have for debate and how much time we would have for a meeting with Mr. Radwanski. Of course, it will be up to this chamber as to how we proceed. That is my suggestion and that is what I will be seeking as a procedure.

• (1550)

If we follow that procedure, I believe we will do a good job of examining his qualifications and his reputation. Many of us in this chamber already know him by reputation. However, this matter is in the hands of all senators. I urge honourable senators to support his appointment.

Hon. Marcel Prud'homme: Might I ask a question?

Senator Hays: Senator Prud'homme has a question, honourable senators, which I would be happy to try to answer.

Senator Prud'homme: I think someone may ask for an adjournment of the debate, so my question will be very short. I look forward to Mr. Radwanski's appearance before this chamber where we will have an opportunity to pose questions to him. Following his withdrawal from the Senate chamber there will be a debate. Am I correct in my understanding of how we shall proceed?

Senator Hays: Yes. A report to the Senate by the Committee of the Whole, or any committee, as I understand it, is a debatable item on our agenda. Yes, there will be an opportunity to debate the report of the committee.

Hon. Joan Fraser: Honourable senators, I would ask your indulgence for one moment. Because of parliamentary business elsewhere, I will probably not be here when Mr. Radwanski's case comes before us again.

I would just like to say that I have known George Radwanski for 35 years. In fact, I knew him better 35 years ago than I do now. I worked on two papers with him when we were all bright young journalists working together. He is a man of extraordinary intelligence, extraordinary attention to detail, and with the ability to grasp complicated concepts and apply them practically. I believe he would be an excellent Privacy Commissioner.

Senator Prud'homme: Since Senator Fraser has decided to speak, might I ask her a question?

The Hon. the Speaker: If the honourable senator is willing to receive questions, yes.

Senator Prud'homme: The honourable senator has asked for "one" moment, so I will ask only one question.

The honourable senator said that she has known Mr. Radwanski for 35 years. Does she know all his views on major issues?

Senator Fraser: As I said, honourable senators, I knew him better 35 years ago than I do today. In fact, I have not spoken with him for some time. I was speaking essentially to his fundamental abilities, which I have no reason to believe have changed.

As to his views on major issues, first, no one knows everyone's views on major issues and, second, I am not sure the broad spectrum of national issues is pertinent to his appointment as Privacy Commissioner. I think he is admirably suited to be Privacy Commissioner.

Senator Prud'homme: We do not want to know about his private views. I am talking about his public views.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I rise to speak to the motion which is before us. I would take as my general schema in approaching this question that, given the success of Mr. Bruce Phillips as the last Privacy Commissioner, we ought to follow the same ratification or approval process that was utilized when his commendation was before the Senate. We should take our time and be deliberate. I cannot remember how many months it took, or was it years? I am advised it took six months.

Senator Lynch-Staunton: At least.

Senator Kinsella: I think that this house might be able to do a little bit better than taking six months to review this particular

nomination. I will certainly do my part to see that we do our duty in the approval process as required by the act because of the importance of the right of privacy that was articulated by Senator Hays in his remarks on moving this motion.

This sort of ombudsman-type model that we have adopted in Canada has been highly successful. The fact is that the model that we are utilizing is one wherein the Privacy Commissioner is an officer of Parliament and is obligated to report to both Houses of Parliament. When one examines in detail the report of prior submissions to this house from the Privacy Commissioners, one can see that it takes a little bit of time to understand the appropriate protocol and the proper form of address when sending reports to this house. One will recall, for example, that the penultimate report did not properly address the Speaker of the Senate, and I would hope that the new commissioner will pay attention to detail not only because the commissioner is an officer of both Houses of Parliament, but also because this institution of Parliament is very much involved in the protection of privacy.

Privacy is not simply delegated to an officer of Parliament. We are not absolved of our role as parliamentarians to protect privacy. The commissioner is an officer of Parliament and does not replace Parliament. We maintain our responsibility and duty in the promotion and protection of the privacy rights of Canadians.

I would hope, for example, a number of the more contemporary issues of privacy will be raised with this candidate when he appears before, as I understand from the comments made by the Deputy Leader of the Government, the Committee of the Whole expected to be convened during the week of October 16.

I would even make the suggestion that we try to agree now that we will invite the candidate to appear before the Committee of the Whole at 4:00 p.m. on Monday, October 16. Knowing this time to be certain, all honourable senators would be able to prepare over the next 10 days the kinds of inquiries that they would like to make of the candidate. As Senator Prud'homme has suggested, after that hearing with the candidate, there would be a report to the Senate and a fulsome debate on the proposition of confirmation or not confirmation.

We are seized already in this house with a number of legislative initiatives, for example Senator Finestone's bill which is before one of our standing committees, which deal with privacy. The issue of privacy, indeed, is often raised in the legislation that remains before us. This house is very much concerned with questions of privacy. I think it is appropriate that we would want to examine in detail our principal officer who will deal with privacy matters.

With that, honourable senators, I think that we might be well advised to try to achieve the same quality of analysis that was achieved when we examined the candidacy of Mr. Bruce Phillips, but try to do it within a time line that would be more prospective.

Senator Hays: I have a question of the Honourable Senator Kinsella, honourable senators, and this will be my opportunity to respond as well. Senator Kinsella mentioned 4:00 p.m. on Monday, October 16 as a good time to convene a Committee of the Whole. I am not sure whether 4:00 p.m. is appropriate. Would the honourable senator be agreeable to some time later in the afternoon, perhaps when the Senate rises? Hopefully we would be available for a Committee of the Whole by 4:00 p.m. However, I would ask the honourable senator how much flexibility he has in mind when he sets out that time frame.

• (1600)

Senator Kinsella: As my honourable friend would be willing to testify, in his dealings with me there is always great flexibility. It is not, however, like the legend attributed to a great philosopher, namely, that everything about me is in flux, to the extent you can never step twice into the same spot of the river.

Senator Hays: Honourable senators, I move that the debate stand adjourned until the next sitting of the Senate.

The Hon. the Speaker: You have spoken to the motion, though, Honourable Senator Hays. Can someone else adjourn the debate?

Hon. John Lynch-Staunton (Leader of the Opposition): I will adjourn it, then.

On motion of Senator Lynch-Staunton, debate adjourned.

[Translation]

TOBACCO YOUTH PROTECTION BILL

THIRD READING

On the Order:

Resuming debate on the motion by the Honourable Senator Kenny, seconded by the Honourable Senator Moore, for the third reading of Bill S-20, An Act to enable and assist the Canadian tobacco industry in attaining its objective of preventing the use of tobacco products by young persons in Canada.

Hon. Pierre Claude Nolin: Honourable senators, twice in this Parliament we have been asked to speak to a measure such as the one proposed in Bill S-20. This bill asks us to give the Canadian tobacco industry the means to achieve one of its objectives, that of preventing young people from using tobacco products.

I know that a number of you may have smiled when they read the title of this bill. Those who have been following this bill closely since we discussed it at second reading will agree that the objective of the tobacco industry is truly to prevent smoking among young people.

I remember that senators from both sides of this Chamber had reservations as to how the committee proceeded to enlist the participation of representatives from the tobacco industry. Be that as it may, the leaders of the three major Canadian cigarette

manufacturers appeared before the committee. Two of them, who represented the two largest companies, accounting for close to 80 per cent of all the cigarettes produced in Canada, said, and this came as a bit of a surprise to us, that they supported the measure that we are asking you to support today.

I do not intend to repeat all the arguments that Senator Kenny made when the debate at third reading began, two weeks ago.

Honourable senators, it is important to note that two years ago, with Bill S-13, we had a measure similar to the one before us. For procedural reasons, certain changes had to be made in Bill S-20, over what was originally in Bill S-13. You heard Senator Kenny's arguments in this respect. Canadians, and particularly young Canadians, are waiting for this measure.

You surely saw in newspapers across the country full-page advertisements paid for by the tobacco industry to support this legislation. Therefore, I urge you to adopt this bill, so that we can send a message to the other place as soon as possible.

Motion agreed to and bill read third time and passed.

[English]

ENVIRONMENTAL ASSESSMENT OF PROPOSED LANDFILL AT ADAMS MINE, TIMISKAMING DISTRICT, ONTARIO

REPORT OF ENERGY, THE ENVIRONMENT AND NATURAL
RESOURCES COMMITTEE ON STUDY PURSUANT TO MANDATE—
DEBATE ADJOURNED

The Senate proceeded to consideration of the fifth report of the Standing Senate Committee on Energy, the Environment and Natural Resources (study on issues relating to energy, the environment and natural resources generally in Canada), presented in the Senate on September 21, 2000.—
(Honourable Senator Spivak).

Hon. Mira Spivak moved the adoption of the report.

She said: Honourable senators, I will be brief. I have written to the Minister of the Environment, according to the committee's instructions, conveying to the minister the committee's support for petitions calling for a full federal environmental assessment of the Adams Mine landfill proposal and urging the minister to respond in a positive manner.

We had hoped that this chamber could also signal the minister by adopting our report, which was delivered post haste on September 21, the same day we heard witnesses who informed us of the facts of the proposal and the legal triggers for a full panel review under the Canadian Environmental Assessment Act.

Today, elected officials in the City of Toronto are on the brink of a final vote ratifying a plan to send 20 million tonnes of garbage 600 kilometres north for disposal in a former open-pit mine that is now filled with water and constitutes a lake one kilometre in length, in fractured rock on a height of land — a site that all of the experts say should never be used as a dump.

It was our hope that the minister would exercise his legal authority to require a federal review of the project before a contract was signed. While there has been a great deal of secrecy shrouding details of the contract in the last several days, according to one report the federal minister has until February 15, 2001, to order an environmental assessment without triggering contractual obligations between the City of Toronto and the landfill proponent, which would result in penalties — amounting to quite a huge sum of money. It is my personal wish that the minister announce shortly that a full panel federal environmental assessment will be conducted. The facts as we have heard them suggest that there is an urgent need for federal intervention.

The 20 million tonnes of Metro Toronto garbage to be shipped to the former mine site will produce leachate — a polite word for the toxic soup that is brewed in all landfills. The technology to deal with more than 300 million litres of leachate per year is unproven. Computer modelling suggests that it can be contained by drawing water from the bottom of the pit, pumping it to the surface, treating it and returning water to nearby rivers. The active treatment phase would span 120 years.

• (1610)

On the other hand, the facts show that the area is susceptible to earthquakes and, indeed, has experienced a few in recent months — a fact brought to public attention only days ago. Only weeks ago, geological reports prepared when the pit was an operating mine came to light. Those reports show serious fractures in the rock formation which could be a pathway for leachate which could contaminate groundwater south of the site, spreading pollution into Quebec and to the mouth of the Ottawa River.

The people who stand to be most affected by the mammoth dump — farmers and First Nations people who have an unresolved land claim in the area — have never had an opportunity to vote on it. The so-called willing hosts with which the City of Toronto has signed are the towns of Kirkland Lake, Larder Lake and Englehart — not the people of Boston Township where the dump is to be located.

In fact, the mayor of Kirkland Lake came to Toronto to say that the people were not in favour of it.

Last February, an Oracle Research poll found that 85 per cent of residents in Timiskaming district are concerned about harm to surface and groundwater and two-thirds are opposed to the project. The Témiscamingue First Nation has petitioned the Minister of the Environment to hold a full environmental assessment. There is the outstanding land claim. There is a reserve that draws its drinking water from waters that could be polluted by leachate. There are traditional harvesting practices throughout the territory that will suffer, and there is the rich farmland around the area for which the farmers need clean water.

Clearly, there are federal interests at stake, not to mention the Fisheries Minister's duty to review projects that have a potential adverse affect on fish habitat. Moreover, the Minister of the Environment could use his discretionary power to order a panel

review because of the potential transboundary impact of the project which is between Ontario and Quebec.

I will not go on. There are lots of other facts, including the fact that the people who will run this project have been convicted many times for poor practices.

To sum up, the Minister of the Environment has the legal triggers for a federal assessment. The facts cry out for a federal review. I urge honourable senators to support the committee's request, unanimously passed, that the minister respond positively to the many people who demand just and equitable treatment in the decision-making process.

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I wish to speak to this report and will do so at the next sitting of the Senate.

On motion of Senator Hays, debate adjourned.

BUSINESS OF THE SENATE

ADJOURNMENT

Leave having been given to revert to Government Notices of Motion:

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Monday, October 16, 2000, at 2 p.m.

The Hon. the Speaker *pro tempore*: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Hon. Marcel Prud'homme: Honourable senators, perhaps the Leader of the Government would kindly send the other chamber a message because I hear there is a possibility of a major event taking place in the country with which we have nothing to do; we are here to do our job. Would the leader kindly ask the other chamber not to pile on us next week every bill they possibly can, expecting us to pass them just because there may be an event the following Saturday?

Some Hon. Senators: Order!

Senator Prud'homme: I do not care who calls "order" because I am in order. I could debate this for an hour, but I will not. I am just asking a question in the hope that, when we come back two weeks from now, we will not face a pile-up. As we have heard today, in one instance 85 people are waiting for a bill, and in another instance 300,000 people are waiting for the passage of another bill. We feel bad when we cause people unhappiness if we do not pass a certain bill. I am merely expressing the wishes of I am sure, a couple of senators. That is all.

Senator Hays: Honourable senators, in the debate on the motion for adjournment — which we asked leave to deal with — I will speak to Senator Prud'homme's speech. There are some important bills in the other place which we will probably receive on Monday and during the course of the week of October 16. I mentioned them earlier in the day in response to a question by the Deputy Leader of the Opposition, Senator Kinsella. Bill C-41 deals with veterans' benefits. Bill C-44 deals with employment insurance. Bill C-45 deals with fiscal arrangements which are health care transfers. We have on our Order Paper a number of bills which I do not think would fall into the category of concern

to the honourable senator, but I want to put on the record that it will probably be a fairly busy week.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Monday, October 16, 2000, at 2 p.m.

THE SENATE OF CANADA
PROGRESS OF LEGISLATION
(2nd Session, 36th Parliament)
Thursday, October 5, 2000

GOVERNMENT BILLS
(SENATE)

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
S-3	An Act to implement an agreement, conventions and protocols between Canada and Kyrgyzstan, Lebanon, Algeria, Bulgaria, Portugal, Uzbekistan, Jordan, Japan and Luxembourg for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income	99/11/02	99/11/24	Banking, Trade and Commerce	99/12/07	0	99/12/16	00/06/29	11/00
S-10	An Act to amend the National Defence Act, the DNA Identification Act and the Criminal Code	99/11/04	99/11/18	Legal and Constitutional Affairs	99/12/16	2	00/02/09	00/06/29	10/00
S-17	An Act respecting marine liability, and to validate certain by-laws and regulations	00/03/02	00/04/04	Transport and Communications	00/05/09	2	00/05/17		
S-18	An Act to amend the National Defence Act (non-deployment of persons under the age of eighteen years to theatres of hostilities)	00/03/21	00/04/04	Foreign Affairs	00/05/04	0	00/05/16	00/06/29	13/00
S-19	An Act to amend the Canada Business Corporations Act and the Canada Cooperatives Act and to amend other Acts in consequence	00/03/21	00/04/06	Banking, Trade and Commerce					
S-22	A First Act to harmonize federal law with the civil law of the Province of Quebec and to amend certain Acts in order to ensure that each language version takes into account the common law and the civil law	00/05/11	00/05/18	Legal and Constitutional Affairs					
S-25	An Act to amend the Defence Production Act	00/06/14	00/09/21	Banking, Trade and Commerce	00/10/05	2	00/10/05		
S-26	An Act to repeal An Act to incorporate the Western Canada Telephone Company	00/06/15	00/06/28	Transport and Communications	00/09/21	0	00/10/05		
S-30	An Act to amend the Proceeds of Crime (Money Laundering) Act	00/10/05							

GOVERNMENT BILLS
(HOUSE OF COMMONS)

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
C-2	An Act respecting the election of members to the House of Commons, repealing other Acts relating to elections and making consequential amendments to other Acts	00/02/29	00/03/28	Legal and Constitutional Affairs	00/04/13	0	00/05/31	00/05/31	9/00

C-4	An Act to implement the Agreement among the Government of Canada, Governments of Member States of the European Space Agency, the Government of Japan, the Government of the Russian Federation, and the Government of the United States of America concerning Cooperation on the Civil International Space Station and to make related amendments to other Acts	99/11/23	99/12/01	Foreign Affairs	99/12/09	0	99/12/14	99/12/16	35/99
C-5	An Act to establish the Canadian Tourism Commission	00/06/14	00/06/28	Social Affairs, Science and Technology	00/09/21	0	00/10/05		
C-6	An Act to support and promote electronic commerce by protecting personal information that is collected, used or disclosed in certain circumstances, by providing for the use of electronic means to communicate or record information or transactions and by amending the Canada Evidence Act, the Statutory Instruments Act and the Statute Revision Act	99/11/02	99/12/06	Subject matter 99/11/24	99/12/06		99/12/09	00/04/13	5/00
C-7	An Act to amend the Criminal Records Act and to amend another Act in consequence	99/11/02	99/11/17	Legal and Constitutional Affairs	99/11/30	4	99/12/08	00/03/30	1/00
C-9	An Act to give effect to the Nisga'a Final Agreement	99/12/14	00/02/10	Aboriginal Peoples	00/03/29	0	00/04/13	00/04/13	7/00
C-10	An Act to amend the Municipal Grants Act	00/03/28	00/04/10	National Finance	00/05/04	0	00/05/09	00/05/31	8/00
C-11	An Act to authorize the divestiture of the assets of, and to dissolve, the Cape Breton Development Corporation, to amend the Cape Breton Development Corporation Act and to make consequential amendments to other Acts	00/06/08	00/06/15	Energy, the Environment and Natural Resources	00/06/22	0	00/06/27	00/06/29	23/00
C-12	An Act to amend the Canada Labour Code (Part II) in respect of occupational health and safety, to make technical amendments to the Canada Labour Code (Part I) and to make consequential amendments to other Acts	00/06/01 (withdrawn 00/06/13) 00/06/13 (reintroduced)	00/06/15	Social Affairs, Science and Technology	00/06/22	0	00/06/22	00/06/29	20/00
C-13	An Act to establish the Canadian Institutes of Health Research, to repeal the Medical Research Council Act and to make consequential amendments to other Acts	00/03/30	00/04/04	Social Affairs, Science and Technology	00/04/06	0	00/04/10	00/04/13	6/00
C-14	An Act respecting an agreement with the Norway House Cree Nation for the settlement of matters arising from the flooding of land, and respecting the establishment of certain reserves in the province of Manitoba	00/10/04							
C-16	An Act respecting Canadian citizenship	00/05/31	00/06/27	Legal and Constitutional Affairs					
C-18	An Act to amend the Criminal Code (impaired driving causing death and other matters)	00/06/19	00/06/22	Legal and Constitutional Affairs	00/06/28	0	00/06/29	00/06/29	25/00

C-19	An Act respecting genocide, crimes against humanity and war crimes and to implement the Rome Statute of the International Criminal Court, and to make consequential amendments to other Acts	00/06/14	00/06/22	Foreign Affairs	00/06/27	0	00/06/28	00/06/29	24/00
C-20	An Act to give effect to the requirement for clarity as set out in the opinion of the Supreme Court of Canada in the Quebec Secession Reference	00/03/21	00/05/18	Special Committee of the Senate on Bill C-20	00/06/19	0	00/06/29	00/06/29	26/00
C-21	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2000	99/12/14	99/12/15	—	—	—	99/12/16	99/12/16	36/99
C-22	An Act to facilitate combatting the laundering of proceeds of crime, to establish the Financial Transactions and Reports Analysis Centre of Canada and to amend and repeal certain Acts in consequence	00/05/09 (withdrawn 00/05/11)	00/05/17	Legal and Constitutional Affairs (withdrawn 00/05/18)	00/06/15	0	00/06/22	00/06/29	17/00
		00/05/11 (reintroduced)		Banking, Trade and Commerce (00/05/18)					
C-23	An Act to modernize the Statutes of Canada in relation to benefits and obligations	00/04/12	00/05/09	Legal and Constitutional Affairs	00/06/08	0	00/06/14	00/06/29	12/00
C-24	An Act to amend the Excise Tax Act, a related Act, the Bankruptcy and Insolvency Act, the Budget Implementation Act, 1997, the Budget Implementation Act, 1998, the Budget Implementation Act, 1999, the Canada Pension Plan, the Companies' Creditors Arrangement Act, the Cultural Property Export and Import Act, the Customs Act, the Customs Tariff, the Employment Insurance Act, the Excise Act, the Income Tax Act, the Tax Court of Canada Act and the Unemployment Insurance Act	00/06/14	00/06/28	Banking, Trade and Commerce	00/09/21	0			
C-25	An Act to amend the Income Tax Act, the Excise Tax Act and the Budget Implementation Act, 1999	00/06/08	00/06/14	Banking, Trade and Commerce	00/06/22	0	00/06/22	00/06/29	19/00
C-26	An Act to amend the Canada Transportation Act, the Competition Act, the Competition Tribunal Act and the Air Canada Public Participation Act and to amend another Act in consequence	00/05/16	00/05/30	Transport and Communications	00/06/15	0	00/06/20	00/06/29	15/00
C-27	An Act respecting the national parks of Canada	00/06/14	00/06/28	Energy, the Environment and Natural Resources	00/10/05	0			
C-29	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2000	00/03/23	00/03/28	—	—	—	00/03/29	00/03/30	3/00
C-30	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2001	00/03/23	00/03/28	—	—	—	00/03/29	00/03/30	4/00
C-32	An Act to implement certain provisions of the budget tabled in Parliament on February 28, 2000	00/06/07	00/06/13	National Finance	00/06/15	0	00/06/19	00/06/29	14/00
C-34	An Act to amend the Canada Transportation Act	00/06/15	00/06/19	Agriculture and Forestry	00/06/21	0	00/06/22	00/06/29	16/00

C-37	An Act to amend the Parliament of Canada Act and the Members of Parliament Retiring Allowances Act	00/06/15	00/06/28	Banking, Trade and Commerce	00/06/29	0	00/09/21	00/09/21	27/00
C-42	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2001	00/06/19	00/06/22	—	—	—	00/06/22	00/06/29	18/00

COMMONS PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
C-202	An Act to amend the Criminal Code (flight)	00/02/08	00/02/22	Legal and Constitutional Affairs	00/03/02	0	00/03/21	00/03/30	2/00
C-247	An Act to amend the Criminal Code and the Corrections and Conditional Release Act (cumulative sentences)	99/11/02	00/05/18	Legal and Constitutional Affairs					
C-276	An Act to amend the Competition Act (negative option marketing)	00/05/18	00/06/15	Banking, Trade and Commerce					
C-445	An Act to change the name of the electoral district of Rimouski—Mitis	00/05/09	00/06/13	Legal and Constitutional Affairs	00/06/22	0	00/06/22	00/06/29	21/00
C-473	An Act to change the names of certain electoral districts	00/04/10	00/06/13	Legal and Constitutional Affairs	00/06/22	0	00/06/22	00/06/29	22/00

SENATE PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
S-2	An Act to facilitate the making of legitimate medical decisions regarding life-sustaining treatments and the controlling of pain (Sen. Carstairs)	99/10/13	00/02/23	Legal and Constitutional Affairs					
S-4	An Act to provide for judicial preauthorization of requests to be made to a foreign or international authority or organization for a search or seizure outside Canada (Sen. Nolin) (Dropped from Order Paper pursuant to Rule 27(3) 00/05/11)	99/11/02							
S-5	An Act to amend the Parliament of Canada Act (Parliamentary Poet Laureate) (Sen. Gratstein)	99/11/02	00/02/22	Social Affairs, Science and Technology	00/06/22	0	00/06/28		
S-6	An Act to amend the Criminal Code respecting criminal harassment and other related matters (Sen. Oliver)	99/11/02	99/11/03	Legal and Constitutional Affairs					
S-7	An Act respecting the declaration of royal assent by the Governor General in the Queen's name to bills passed by the Houses of Parliament (Sen. Lynch-Staunton)	99/11/02	00/02/22	Privileges, Standing Rules and Orders					

S-8	An Act to amend the Immigration Act (Sen. Ghitter) (Dropped from Order Paper pursuant to Rule 27(3)) 00/05/04	99/11/02			
S-9	An Act to amend the Criminal Code (abuse of process) (Sen. Cools)	99/11/03	00/05/04	Legal and Constitutional Affairs	
S-11	An Act to amend the Criminal Code to prohibit coercion in medical procedures that offend a person's religion or belief that human life is inviolable (Sen. Perrault, P.C.) (Dropped from Order Paper pursuant to Rule 27(3)) 00/02/08 (Restored to Order Paper 00/02/23)	99/11/04			
S-12	An Act to amend the Divorce Act (child of marriage) (Sen. Cools)	99/11/18			
S-13	An Act to assist in the prevention of wrongdoing in the Public Service by establishing a framework for education on ethical practices in the workplace, for dealing with allegations of wrongdoing and for protecting whistleblowers (Sen. Kinsella)	99/12/02	00/02/22	National Finance	
S-15	An Act to amend the Statistics Act and the National Archives of Canada Act (census records) (Sen. Milne)	99/12/16	00/09/19	Social Affairs, Science and Technology	
S-16	An Act respecting Sir John A. Macdonald Day (Sen. Grimard)	00/02/22	00/06/28	Social Affairs, Science and Technology 00/06/29	
S-20	An Act to enable and assist the Canadian tobacco industry in attaining its objective of preventing the use of tobacco products by young persons in Canada (Sen. Kenny)	00/04/05	00/05/09	00/09/20 0 00/10/05 Energy, the Environment and Natural Resources	
S-21	An Act to protect heritage lighthouses (Sen. Forrestall)	00/04/12	00/06/01	Fisheries	
S-23	An Act respecting Sir Wilfrid Laurier Day (Sen. Lynch-Staunton)	00/06/06	00/06/28	Social Affairs, Science and Technology 00/06/29	
S-24	An Act to amend the Broadcasting Act (Sen. Finestone, P.C.)	00/06/13			
S-27	An Act to guarantee the human right to privacy (Sen. Finestone, P.C.)	00/06/15	00/06/27	Social Affairs, Science and Technology	
S-29	An Act to provide for the recognition of the Canadian Horse as the national horse of Canada (Sen. Murray, P.C.)	00/06/27			

PRIVATE BILLS

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
S-14	An Act to amend the Act of incorporation of the Board of Elders of the Canadian District of the Moravian Church in America (Sen. Taylor)	99/12/02	99/12/07	—	—	—	99/12/08	00/03/30	
S-28	An Act to amend the Act of incorporation of the Conference of Mennonites in Canada (Sen. Carstairs)	00/06/22							

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• VOLUME 138

• NUMBER 80

OFFICIAL REPORT
(HANSARD)

Monday, October 16, 2000



THE HONOURABLE GILDAS L. MOLGAT
SPEAKER

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(Daily index of proceedings appears at back of this issue.)

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THE SENATE

Monday, October 16, 2000

The Senate met at 2 p.m., the Speaker in the Chair.

Prayers.

SENATORS' STATEMENTS

THE LATE VINCENT PATRICK TOBIN

TRIBUTE

Hon. George J. Furey: Honourable senators, I rise today to inform you of the recent passing of Vincent Patrick Tobin, father of Brian Vincent Tobin, who today resigned as Premier of Newfoundland and Labrador.

Vincent Patrick Tobin was an exemplary individual whose outstanding qualities cast him as a role model for members of his family and his community. He was a quiet and unassuming man, respected and loved by family and friends; an outstanding husband, father, grandfather and great-grandfather. Never one to impose his views, his wisdom and advice were sought often by his fellow Newfoundlanders and Labradorians. He gave freely and generously of his time, always displaying a willingness to help through his community work and through his devotion to family.

During a lifetime of diligent and conscientious work, he celebrated his responsibilities and duties as an ordinary human being and thereby shaped an extraordinary contribution to his family, his friends, his community and, indeed, to the province he so dearly loved. While waging a brief battle with cancer, he demonstrated a dignity and courage which exemplified his life.

Honourable senators, I wish to offer my condolences to his wife, Florence, and to the entire Tobin family. He will be missed.

THE LATE CLAUDE BISSELL THE LATE MURRAY ROSS

TRIBUTE

Hon. Lowell Murray: Honourable senators, on September 20 and 21, Senator Grafstein recorded the passing of two distinguished educators, Dr. Claude Bissell and Dr. Murray Ross. I associate myself with his tribute.

Dr. Bissell, a World War II veteran, edited three books and wrote six others, three of them winners of literary awards. He was a former chairman of the Canada Council and member of the Council of the Arts of Ontario. Dr. Ross published

10 book-length treatises on educational and sociological history and trends.

When Dr. Bissell was president of Carleton University in the mid 1950s, there was a lecture series that examined the contribution of seven eminent Canadians from politics, journalism, poetry and fiction. What a series it must have been! Frank Underhill lectured on Edward Blake; Malcolm Ross on Goldwin Smith; Donald Creighton on Sir John A. Macdonald; Munro Beattie on Archibald Lampman; Mason Wade on Sir Wilfrid Laurier; Wilfrid Eggleston on Frederick Philip Grove; and Robertson Davies on Stephen Leacock. When it was all over, Dr. Bissell, happily for posterity, edited the lectures in a small book entitled *Our Living Tradition* and wrote the introduction. In it he celebrated the fact that the lectures "attempted to break down the traditional barrier between our politics and our literature" and quoted one of the lecturers who said that "our living tradition is revealed to us not only in Hansard and Royal Commission briefs but also in the wars of the spirit."

In 1952, Dr. Bissell read and reviewed the first novel, published that year, of the Nova Scotia writer Ernest Buckler. He liked the book so much that he went to Nova Scotia to meet the author. There began a friendship of 30 years, ended only with Buckler's death in 1984. A few years later, Dr. Bissell published a memoir, *Ernest Buckler Remembered*, a warm friend's discerning portrait of a great talent.

I will not try to add to Senator Grafstein's erudite commentary on the "dumbing down" of political debate on so-called values. It is possible that the two late educators would have treated this as a joke. Once, at a St. Andrew's Night dinner in Cape Breton, Dr. Ross said that the conscience of the Scots "allows us a great deal of latitude and flexibility in behaviour without the feelings of guilt that seem to possess so many other nationalities."

Dr. Ross was an illustrious son of Sydney, Nova Scotia, where he was born in 1910 and earned the first of his many university degrees at Acadia. Dr. Bissell, a native of Meaford, Ontario, spent the last 40 summers of his life in northern Cape Breton and he was warmly regarded and will be warmly remembered by his neighbours there.

YWCA WEEK WITHOUT VIOLENCE

Hon. Sharon Carstairs: Honourable senators, I rise today to draw your attention to the fact that October 15 to 21 is the fifth annual YWCA Week Without Violence. An international campaign first instituted by the YWCA in the United States, this Week Without Violence has spread rapidly and is currently organized in over 50 countries, including Ireland, Palestine, Nigeria, Taiwan and Latvia. YWCA's Week Without Violence aims to unite all Canadians against the violence that exists in our communities by emphasizing healthy alternatives.

● (1410)

With a special emphasis this year on reaching young people, the YWCA will be collaborating with Boys and Girls Clubs of Canada, National Youth in Care Network and YouCan! in coordinating activities across the country.

Each of the seven days of this campaign will address a different violence-related theme. Yesterday marked a day of remembrance for all victims of violence. Today, October 16, is devoted to protecting our children. Tuesday, October 17, will focus on increasing safety of our schools, and Wednesday will be dedicated to confronting violence that women face. On Thursday, Canadians will be encouraged to raise their awareness of how men's lives and relationships are affected by anger, aggression and stress. The focus of Friday, October 20, will be the elimination of racism and hate crime. Finally, on Saturday, October 21, the goal will be to illustrate how we can replace violence through positive activities such as sports, recreation and fun.

More than 30,000 people across Canada participated in hundreds of activities organized by local member associations during last year's campaign. Three point five million Canadians were reached with anti-violence messages as a result of these efforts.

Honourable senators, our society has taken many positive steps toward peace and equality during our history, but violence, unfortunately, is still pervasive in our country. Fifty-one per cent of Canadian women over the age of 16 have been victims of at least one act of physical or sexual violence. In 1998, over 28,952 cases of sexual offence were reported in Canada, including 25,000 sexual assaults, of which 85 per cent were perpetrated on women. Over 22,254 cases of spousal violence were reported in 1997, and in 1998, 57 of the 70 persons aged 18 and over who were killed by a spouse were women. Thirteen were men.

Honourable senators, I encourage each and every one of you to become involved.

FIGHT AGAINST POVERTY AND VIOLENCE

Hon. Erminie J. Cohen: Honourable senators, yesterday I was proud to march with thousands of Canadian women from every province and territory who, together with hundreds of thousands of other women from 147 countries, were on the move to call the attention of the world to poverty and violence. I joined 120 women from my home province of New Brunswick who travelled to Ottawa, from where they will journey to the United Nations and meet another busload of women from our province.

Tomorrow, October 17, they will place our issues on the political agenda. The date is significant because October 17 is designated by the United Nations as the day we call for the eradication of poverty.

Tomorrow, in Ottawa, our marchers will meet with MPs and key cabinet ministers to address the 13 demands for change and

to ask for concrete commitments to implement their recommendations. Last evening, a small group of representatives of the Canadian Women's March Committee met with the Prime Minister. According to the media, the response to their demands did nothing to offer hope and left the leaders frustrated and upset.

Tomorrow, in New York, the women will present 10 million signatures, 30,000 from my home province of New Brunswick, to the Secretary-General of the United Nations, Kofi Annan.

Tomorrow, in Washington, they will meet with representatives of the World Bank and the International Monetary Fund. Tomorrow we will ask citizens and governments across the globe to confront poverty and violence, to eradicate fear of hunger and hurt, to say, "Enough. It has to stop."

Tomorrow we will proclaim that we will not accept continuing poverty in our midst, just as we will not tolerate violence. Society must understand that violence in any form is unacceptable in a civil society and that poverty is one of the greatest barriers to equality.

In a newspaper column last week, Moncton's Rosella Melanson quoted a 19th century Saint John politician who, when faced with the steadfast efforts of New Brunswick women to gain the vote, said, "It would be easier to damn Niagara than to stop this agitation."

Those women won, and so will we, because we have the numbers and the determination. This has been ably demonstrated by the World March of Women, which began and grew globally with the Fédération des femmes du Québec. To them, I say, "Merci beaucoup."

[Translation]

UNITED NATIONS

CANADA'S VOTE IN SUPPORT OF SECURITY COUNCIL RESOLUTION NO. 1322

Hon. Marcel Prud'homme: Honourable senators, I wish to support the five members who released the following communiqué.

We the undersigned welcome and support Canada's affirmative vote in support of United Nations Security Council resolution 1322.

We as well applaud Foreign Affairs Minister Axworthy's October 4 criticism of Likud Leader Ariel Sharon's provocative September 28 visit to the Al-Haram Al-Sharif site and the violence against unarmed civilians particularly children.

We have noted that the gravity of Israeli excesses is such that even the U.S.A. refrained from its customary veto of criticism of Israel and abstained.

Canada's international reputation for fairness and balance would have been severely compromised, had Canada not joined the U.K., France and the remaining members of the Security Council, in condemning Israel's use of live ammunition against unarmed civilians protesting Israel's military occupation.

We are particularly pleased that resolution 1322 invites the United Nations Secretary-General to continue to follow the situation and to keep the Council informed and that the Security Council has decided "to follow closely the situation and to remain seized of the matter".

We encourage support for United Nations Security Council Resolution 1322's call the "the immediate resumption of negotiations within the Middle East peace process on its agreed basis with the aim of achieving an early final settlement between the Israeli and Palestinian sides."

Honourable senators, I offer my hearty congratulations to Colleen Beaumier, Mark Assad, Sarkis Assadourian, Joe Fontana and Yvon Charbonneau on taking this stand. This is an extraordinary communiqué in support of their government.

I am pleased to join with these five members in supporting the government which, last week, was harshly attacked by three of their colleagues, including Irwin Cotler, the member for Mount Royal.

[English]

PRINCE EDWARD ISLAND

SUMMERSIDE—SLEMON PARK CORPORATION

Hon. Catherine S. Callbeck: Honourable senators, I am pleased to rise today to recognize what has truly been a wonderful success story in my home province, that is the growth and development of the Slemon Park Corporation. This corporation was formed to manage and develop the assets of the former Canadian Forces Base Summerside and has just celebrated its tenth anniversary.

The announcement in 1989 that the base would be closed sent shock waves through the entire province, particularly through the town of Summerside and the surrounding area. Military presence in Summerside had become very important, not only to the economy of the region but also to the community in general. Countless community groups and organizations benefited from the tireless volunteer efforts of the men and women posted to CFB Summerside, and the loss of the base was seen at the time as a devastating blow.

However, what has occurred there over the past ten years has been very impressive. The total number of jobs at the former military base, which contains more than 1 million square feet of hangar space alone, is estimated at 700, with the number continuing to grow. At its peak, CFB Summerside employed 1,400 people, but when it closed in 1989 there were just 800 jobs at the facility, a number that I am confident Slemon Park will

surpass in the near future. The major thrust of this job creation has been in the aerospace field, which is now one of the leading exports of my home province.

If the past decade is any indication, I am sure the people of Summerside and area will continue to see great things at Slemon Park in the years to come. On this tenth anniversary, everyone involved should be very proud of what has been accomplished to date and of the groundwork that has been laid for the future.

UNITED NATIONS

CANADA'S VOTE IN SUPPORT OF SECURITY COUNCIL RESOLUTION NO. 1322

Hon. E. Leo Kolber: Honourable senators, I had not intended to speak and have not prepared a text to do so, but I am shocked at the statement made by Senator Prud'homme.

Hon. Marcel Prud'homme: Make your speech!

Senator Kolber: I didn't interrupt you and I would ask you to be quiet.

Senator Prud'homme: I did not name you.

The Hon. the Speaker: Honourable senators, I must remind you that Senators' Statements are not matters for debate. Statements are made on matters of fact and are not debatable.

Senator Prud'homme: Go ahead!

• (1420)

Senator Kolber: If the senator means to suggest that only one side is to blame in the Middle East conflict, then he is either foolish or badly informed. I do not intend to get into debate today. Perhaps I will prepare a statement for tomorrow.

Senator Prud'homme: Good.

Senator Kolber: Does the speaker understand that Mr. Arafat gives bonuses to children who go into the line of fire? Does he understand that martyrs get a \$3,000 bonus if they are killed? Does he understand that Mr. Arafat does not want peace but war? Does he understand that the Israelis do want peace and not war?

[Translation]

ROUTINE PROCEEDINGS

INFORMATION COMMISSIONER

ANNUAL REPORT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table the annual report of the Information Commissioner of Canada for 1999-2000, pursuant to section 38 of the Access to Information Act.

[Senator Prud'homme]

[English]

PRIVILEGES, STANDING RULES AND ORDERS

TENTH REPORT PRESENTED

Hon. Jack Austin: Honourable senators, I have the honour to present the tenth report of the Standing Committee on Privileges, Standing Rules and Orders concerning the disclosure by committee members of the existence of any private financial interests when dealing with an order of reference.

Monday, October 16, 2000

The Standing Committee on Privileges, Standing Rules and Orders has the honour to present its

TENTH REPORT

In order to provide for additional transparency through the disclosure of private financial interests in certain circumstances, your Committee recommends that the *Rules of the Senate* be amended by adding the following:

94. (3) Where a select committee considers that it would be in the public interest in respect of its consideration of an order of reference, the committee may order its members to disclose the existence of their private financial interests, whether held directly or indirectly, in respect of the matter.

(4) Subsection (3) does not apply where the order of reference concerns an amendment to the *Constitution of Canada* or a public bill.

(5) A member may comply with an order made under subsection (3) by signing and filing with the clerk of the committee a declaration or update that discloses the source and nature, but not the value, of the member's private financial interests in respect of the matter.

(6) A committee that makes an order under subsection (3) shall also establish time frames for present and future members to file declarations and updates, and members who must file shall do so within the required time.

(7) A member who does not file a declaration or update under subsection (5) within the required time is deemed to declare that the member has no private financial interest and is bound by the deemed declaration until the member files an update.

(8) A member who does not file a declaration under subsection (5) and who has no private financial interest to disclose is deemed to have complied with an order made under subsection (3).

(9) The clerk of a committee with whom a declaration or update is filed under subsection (5) shall make it available for public consultation during business hours.

(10) The validity of a decision of a committee on a matter is not affected by the fact that a member had a private financial interest, whether or not disclosed in compliance with this rule, unless the Senate or a committee decides otherwise under subsection (1).

Respectfully submitted,

JACK AUSTIN
Chair

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Austin, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

PRIVACY COMMISSIONER

APPOINTMENT OF MR. GEORGE RADWANSKI—
MOTION TO RECEIVE IN COMMITTEE OF THE WHOLE
AND TO AUTHORIZE ELECTRONIC COVERAGE ADOPTED

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(f), I move:

That the Senate do resolve itself into a Committee of the Whole at 4:00 p.m. today in order to receive Mr. George Radwanski respecting his appointment as Privacy Commissioner, and

That the Cable Public Affairs Channel, CPAC, be authorized to bring television cameras into the chamber to broadcast the Committee of the Whole with the least possible disruption of the proceedings.

The Hon. the Speaker: Is leave granted?

Hon. Senators: Agreed.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

[Translation]

BILL TO AMEND THE STATUTE LAW IN RELATION TO VETERANS' BENEFITS

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-41, to amend the statute law in relation to veterans' benefits.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Hays, bill placed on the Orders of the Day for second reading at the next sitting of the Senate.

ILLEGAL DRUGS

SPECIAL COMMITTEE AUTHORIZED
TO MEET DURING SITTING OF THE SENATE

Hon. Pierre Claude Nolin: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(a), I move that the Special Committee on Illegal Drugs be authorized to sit today at 3:00 p.m., even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

Motion agreed to.

[English]

[Later]

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

TWELFTH REPORT OF COMMITTEE PRESENTED

Hon. Bill Rompkey, Chair of the Standing Senate Committee on Internal Economy, Budgets and Administration, presented the following report:

Monday, October 16, 2000

The Standing Committee on Internal Economy, Budgets and Administration has the honour to table its

TWELFTH REPORT

Your Committee wishes to inform the Senate that, in accordance with Rule 130(1), it has agreed to incorporate on a trial basis links on the Senate Website to allow internet users to listen to live debates of the Senate and its Committees.

Your Committee will monitor this project and will report back on its success.

Your Committee believes this is an important communication initiative to inform Canadians of the important work of the Senate and its Committees.

Respectfully submitted,

WILLIAM ROMPKEY
Chair

QUESTION PERIOD

THE SENATE

ABSENCE OF LEADER OF THE GOVERNMENT

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, the Leader of the Government in the Senate is not here at the moment. I expect he will be here later in the day. In his absence, it is not possible to have Question Period; however, I would be happy to take notice of any questions that may be put.

NEWFOUNDLAND

RESIGNATION OF PREMIER

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, could the Deputy Leader of the Government make inquiries as to the position of the premier, if he is still premier, of the Province of Newfoundland and Labrador on whether or not —

Hon. Fernand Robichaud: This is out of order. This is not the Senate's business.

Senator Kinsella: Perhaps he could enquire whether it is the view of the government that the necessity of bringing former premier, if he is former premier, Tobin into the government is because the Leader of the Government in the Senate, if he is still Leader of the Government in the Senate, was not successful in delivering whatever it was he was to deliver in Nova Scotia.

Hon. Dan Hays (Deputy Leader of the Government): I will take notice of that question, honourable senators.

Senator Lynch-Staunton: Is that your final answer?

THE SENATE

ABSENCE OF LEADER OF THE GOVERNMENT

Hon. J. Michael Forrestall: Honourable senators, I wish to inquire whether or not the Leader of the Government will be here tomorrow.

Hon. Dan Hays (Deputy Leader of the Government): Yes, he expects to be here for the balance of the week.

Senator Lynch-Staunton: And next week?

Senator Hays: If necessary.

NATIONAL DEFENCE

REPLACEMENT OF SEA KING HELICOPTERS

Hon. J. Michael Forrestall: In the event that the Leader of the Government is here tomorrow, may I ask the deputy leader to advise him I would very much like to have an answer as to the government's intentions with respect to the matter of the helicopter replacement program that has been now referred to the international tribunal.

Hon. Dan Hays (Deputy Leader of the Government): I will take notice of that question and ensure that it is drawn to the attention of the leader.

• (1430)

ORDERS OF THE DAY

SALES TAX AND EXCISE TAX AMENDMENTS BILL, 1999

THIRD READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Hays, seconded by the Honourable Senator Grafstein, for the third reading of Bill C-24, to amend the Excise Tax Act, a related Act, the Bankruptcy and Insolvency Act, the Budget Implementation Act, 1997, the Budget Implementation Act, 1998, the Budget Implementation Act, 1999, the Canada Pension Plan, the Companies' Creditors Arrangement Act, the Cultural Property Export and Import Act, the Customs Act, the Customs Tariff, the Employment Insurance Act, the Excise Act, the Income Tax Act, the Tax Court of Canada Act and the Unemployment Insurance Act.

Hon. E. Leo Kolber: Honourable senators, I spoke at some length on the second reading of this bill and will, therefore, keep my remarks today brief.

Bill C-24 is designed to continue the government's efforts to make our tax system simpler and fairer for all Canadians, both individuals and corporations, while also promoting federal-provincial cooperation and harmonization. The main focus of this bill is the application of the goods and services tax, known as the GST, and the harmonized sales tax, known as the HST. This bill helps Canadians in a number of areas and I would like to briefly highlight them today.

The first area involves tobacco products. As part of the government's commitment to reduce smoking in Canada, in particular among our youth, Bill C-24 introduces an increase of 60 cents in federal excise tax per carton of 200 cigarettes sold in Ontario, Quebec, Nova Scotia, New Brunswick and P.E.I.

Excise taxes on tobacco sticks are increased in Ontario, Quebec, New Brunswick and P.E.I. to re-establish a uniform national tax rate on tobacco sticks.

Bill C-24 implements a reduction in the annual exemption threshold for the tax on exported tobacco products. This is intended to reduce the supply of Canadian-made tobacco products in export markets that could potentially be available to minors.

The second area involves health care and education. Among its health care related provisions, Bill C-24 exempts respite care services for individuals with limited capacity as a result of an infirmity or disability. It also maintains the exemption for speech therapy services and ensures that osteopathic services are exempt from the GST/HST. Bill C-24 further provides for a rebate of the GST/HST for specially equipped motor vehicles for persons with disabilities. These provisions will help to ease the financial burden on Canadians dealing with disabilities.

With respect to education, Bill C-24 ensures that the existing exemption for second-language training applies equally where the training is provided by vocational schools.

The third area involves charities. Bill C-24 restores the exemption for the supply of food, beverages and short-term accommodations by charities in the course of relieving poverty, suffering or distress of individuals. Also, charities operating bottle return depots will be able to claim a reimbursement for the tax component of the amount refunded by the charity.

The next area involves business. The amendments set out in Bill C-24 have been developed in consultation with the business and tax communities. An example of this is how Bill C-24 streamlines the operation of the GST/HST with respect to the energy sector. The bill simplifies compliance with the GST/HST and ensures that exports and sales to unregistered non-residents would not bear unrecoverable tax.

Next, Bill C-24 helps promote the tourist industry by making it more attractive for visitors to come to Canada. This is accomplished by extending exemptions from GST/HST provisions. For example, the visitor rebate for short-term accommodations is extended to campsite rentals. Furthermore, Bill C-24 allows a 50 per cent rebate on the food and beverage component of convention fees for conventions attended by non-residents. As well, Bill C-24 aims to provide consistent tax treatment between tax-free international transportation services and various separate charges that relate to such transportation.

The last area involves First Nations. Bill C-24 introduces a number of technical amendments designed to enhance the harmonization of First Nations sales taxes with the GST on specific products such as alcoholic beverages, fuel and tobacco products. This is consistent with the government's willingness to put into effect taxation arrangements with First Nations interested in exercising tax powers.

In conclusion, honourable senators, I could go on and on to describe the many areas where this bill has improved the tax system, but, as I stated at the outset, I promised to keep my remarks brief. Bill C-24 refines, streamlines and clarifies the application of our tax system. I therefore urge honourable senators to support this bill at third reading.

Hon. Noel A. Kinsella (Deputy Leader of the Opposition): Honourable senators, on behalf of Senator Stratton, I move the debate be adjourned, assuming that he will have the opposition 45-minute time period to make his speech tomorrow.

The Hon. the Speaker: Honourable senators, regarding the 45-minute time period, that is up to the Senate to decide. The rule is otherwise, but the Senate can decide that tomorrow when the matter arises.

On motion of Senator Kinsella, for Senator Stratton, debate adjourned.

CANADA NATIONAL PARKS BILL

THIRD READING—DEBATE ADJOURNED

Hon. Isobel Finnerty, for Senator Banks, moved the third reading of Bill C-27, respecting the national parks of Canada.

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, travel time changes being what they are, Senator Banks is not here. I wish to make a few comments at the beginning of debate on Bill C-27 to observe that Senator Banks will be here perhaps in time to speak today but, if not, tomorrow. If other honourable senators have anything to say about this legislation at this time, I would encourage them to speak now.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Adjourn the debate, then.

The Hon. the Speaker: Are there any other honourable senators who wish to speak at this time? If not, I need an honourable senator to move the adjournment.

On motion of Senator Hays, for Senator Banks, debate adjourned.

MANITOBA CLAIM SETTLEMENTS IMPLEMENTATION BILL

SECOND READING

Hon. Thelma J. Chalifoux moved the second reading of Bill C-14, respecting an agreement with the Norway House Cree Nation for the settlement of matters arising from the flooding of land, and respecting the establishment of certain reserves in the province of Manitoba.

She said: Honourable senators, I rise to address the Senate on Bill C-14, the Manitoba Claim Settlements Implementation Act. I am pleased to speak in support of this proposed legislation, which will address outstanding commitments to Manitoba First Nations and pave the way for greater economic self-reliance.

• (1440)

My fellow senators will recall that when the government unveiled "Gathering Strength: Canada's Aboriginal Action Plan," a commitment was made to renew the relationship with the aboriginal people of Canada. That new relationship is being built on a foundation of trust and cooperation between Canada and First Nation governments and communities.

One of the first steps in building that trust is fulfilling our historical obligations to aboriginal people. Bill C-14 will help us do that for a number of Manitoba First Nations. Although this legislation is technical, its overriding objective is simple: to facilitate the implementation of a number of claim agreements in Manitoba. In doing this, Bill C-14 will support a number of specific commitments set out in "Gathering Strength." In particular, it will strengthen the capacity of Manitoba First Nation governments to make decisions about lands and monies being provided under claim settlements in a way that is effective, timely and accountable to their First Nation communities.

By overcoming obstacles that have slowed progress in the past, Bill C-14 will foster economic growth and development.

Honourable senators, this bill consists of two important parts. Part 1 deals with certain elements of the Master Implementation Agreement signed by the Norway House Cree Nation in 1997. This agreement, in turn, complements implementation activities stemming from the 1997 Northern Flood Agreement through a greatly clarified and minutely described assignment of roles and responsibilities, as well as a compensation package including enhanced commitments of the federal and Manitoba governments and Manitoba Hydro respecting lands and monies. Part 2 relates to the establishment of reserves in Manitoba under claim settlements, including treaty land entitlement as well as the Norway House and other such Master Implementation Agreements.

Honourable senators, I should like to review the key elements of Bill C-14 for those who may not be familiar with the proposed legislation. As I have said, Part 1 is specific to a single Manitoba First Nation, the Norway House Cree Nation. Specifically, Bill C-14 will ensure that any lands provided to Norway House in fee simple title under its Master Implementation Agreement will not become special reserves under section 36 of the Indian Act. This will enable the people of Norway House to use and control these lands as they see fit, without the often burdensome administrative requirements of the Indian Act and other federal legislation when managing reserve lands.

In a similar vein, Bill C-14 will ensure that compensation monies owed to Norway House under the Master Implementation Agreement will not be administered as Indian monies under the Indian Act. Instead, these monies will be paid to and administered by a trust that has been established by the Norway House Cree Nation and is operating under its direction, with proper safeguards and accountability mechanisms in place. Again, the Department of Indian Affairs and Northern Development will have no role in managing these monies.

Honourable senators, these exemptions from the Indian Act will have two strategic outcomes. Most important is the fact that they will increase the Norway House Cree Nation's self-reliance and decision-making capabilities. At the same time, they will lighten the administrative load for the Department of Indian Affairs and Northern Development.

Part 1 of this legislation will also give the locally administered claims administration an arbitration process found in the Master Implementation Agreement precedence over its counterpart in the Northern Flood Agreement for claims that could be dealt with under either agreement. The improved adjudication process in the Master Implementation Agreement will thus be a direct benefit in resolving these claims.

Finally, Part 1 of Bill C-14 will ensure that Canada and other parties have access to the Manitoba Arbitration Act, which is necessary when dealing with disputes under the Norway House Master Implementation Agreement.

Honourable senators, the Norway House Cree Nation will also benefit from Part 2 of this bill, which is intended to advance the implementation of claim agreements in Manitoba by facilitating the transfer of lands to reserve status. This First Nation will benefit from Part 2, both in respect of the reserve creation commitments contained in its Master Implementation Agreement and in terms of similar commitments extended to it and other Manitoba First Nations under the Manitoba Treaty Land Entitlement Framework Agreement.

"Gathering Strength," the government's response to the Report of the Royal Commission on Aboriginal People, calls for the development of vibrant on-reserve economies. In order to help these economies develop, we need to speed up the process of establishing reserves. Part 2 of Bill C-14 will empower the Minister of Indian Affairs and Northern Development to set apart as reserves any of the lands selected by Manitoba First Nations under a claim agreement. This will replace, for these claim settlements, the lengthy and cumbersome process of obtaining an Order in Council, which is the approach currently used to establish reserves.

However, the main benefits of Part 2 of this bill will be to establish more effective mechanisms for accommodating third-party land interests that are identified during the process of selecting lands for potential reserve creation pursuant to a Manitoba claim settlement. It will also significantly reduce the time required to add lands to reserves. We expect that this will improve First Nations access in a reasonable manner to a broader range of lands that have development interests or potential.

The sooner third party interests in lands can be resolved to the mutual satisfaction of the third party and the First Nation through a legally binding process, the sooner these lands can be added to reserves and, in turn, the sooner they and the revenues they generate can contribute to economic and social progress in the community. The key to achieving this is to allow a First Nation to consent to a third-party interest on lands it wants to add to a reserve before those lands have actually been granted reserve status.

Honourable senators may be surprised to learn that the wording of the Indian Act simply does not allow for that. A First Nation can only consent to the creation of interest on land that is already part of a reserve, not on land that is simply being proposed for reserve status.

Honourable senators, we should seize this opportunity to remove this obstacle from the path of Manitoba First Nations. Bill C-14 addresses this issue by giving Manitoba First Nations a pre-reserve designation power as well as a power to ask the Minister of Indian Affairs and Northern Development for, and for the minister to then issue, before reserve creation, a land use permit — both powers being aimed at accommodating different kinds of third-party interests.

Honourable senators, these pre-reserve powers will not only apply to existing interests but will also allow a First Nation to negotiate new rights that will come into effect upon reserve creation. This will ensure that First Nations can take advantage of emerging development opportunities on their selected lands even before reserve status is granted.

As I noted earlier, it has been the shared desire of Canada, the Government of Manitoba and the First Nations to expedite the settlement of treaty land entitlements. At the same time, these mechanisms will, on the initiative of individual First Nations, be made available to facilitate implementation of all other Manitoba claim settlement agreements, existing or future, that involve additions to reserves.

Honourable senators, this proposed legislation does not create new entitlements for First Nation governments. It does not impose new obligations on Canadian taxpayers. In fact, it will do the opposite by speeding up the process of reserve creation.

• (1450)

It also establishes clear-cut legal mechanisms for accommodating both third party and First Nation interests in lands selected for addition to reserves pursuant to claim settlements in Manitoba.

This bill will move Canada forward in fulfilling its obligations to aboriginal people, strengthening the capacity for First Nation decision-making, respecting settlement lands and monies and improving socio-economic conditions on reserves. It deserves our support.

Hon. Charlie Watt: Honourable senators, might the Honourable Senator Chalifoux permit some questions?

Senator Chalifoux: Yes.

Senator Watt: The honourable senator talked about additions to existing reserve land. Could she expand on that subject? What does it mean? Would it enlarge a reserve from its present size?

If the honourable senator does not feel comfortable answering my questions today, and if the bill is to be referred to committee, then I will await the committee's study of this bill.

Senator Chalifoux: I thank Senator Watt for his questions. I would prefer that his questions be asked in committee. The honourable senator's questions are interesting and important, and I would not want to reply with something that may not be quite right.

Hon. Janis Johnson: Honourable senators, it gives me great pleasure as a senator from Manitoba to speak to the second reading of Bill C-14.

This bill has been a long time in the making. It was before Parliament in the last session as Bill C-56 but died on the Order Paper when the session ended. We now have it before us at a critical time. The call of a federal election looms, and unless we push the bill along, it will again die on the Order Paper, and I will have to get up and speak to it again. Thus, perhaps it is a good idea to pass it at this time. I, for one, do not want to see that happen. The bill should be referred to the Standing Senate Committee on Aboriginal Peoples. We must be diligent in protecting the role of the Senate and its right to give this legislation sober second thought. At the same time, if this bill deserves to pass, and I believe it does, then we should be practical and ensure its passage before an election call, for we owe this to those who are affected most, the Norway House Cree.

Having said that, I believe the government must explain to the committee why it joined together in this bill two completely different concepts. Some in the other place have called it an omnibus bill, and would have preferred the two subjects to be separate so they could receive scrutiny on their own merits. What are these two disparate concepts or issues? In Part 1, the bill sets out the legislation necessary to implement the master agreement negotiated among the government and four of the five affected aboriginal groups when the Churchill Falls hydroelectric project began in 1970 and aboriginal lands were flooded. I have seen those lands. The hydroelectric project flooded approximately 12,000 acres of northern Manitoba First Nation reserve land and 525,000 acres of non-reserve land used by First Nations.

The second part of the bill addresses the federal government's commitment to increasing the First Nations reserve land base in Manitoba. When a First Nations group of Manitoba agrees, this part facilitates the implementation of a land claims settlement in which the federal government increases the reserve land base. The minister is able to confer reserve status and the First Nation is able to create or accommodate existing third-party interests on the reserve land. The key here is to allow a First Nation to consent to a third-party interest on land it wants to add to the reserve before those lands have actually been granted reserve status.

The current wording of the Indian Act does not allow for such agreements. The legislation will aid everyone in bringing some creativity to the land acquisition process, as the land can be acquired for a reserve even though a third party still occupies part of it. The First Nations group knows it can acquire the land for a reserve and the third party knows it can still continue to live there.

Therefore, on the surface, this seems like a good law in the making. However, after some research and discussion with those aboriginal groups concerned with Part 1, I have some questions

concerning the adequacy of the amounts of money to be paid under the Master Implementation Agreement. Also, concern has been raised as to the ratification process used to secure approval for the agreement that underlies this proposed legislation.

With regard to Part 2, honourable senators, I wish to be sure that the land that will be provided is suitable for use as a reserve. I also want to know how close we are to the achievement of self-government for all aboriginal nations in Manitoba. I believe in the concept of self-government for Canada's aboriginal peoples, but self-government works best when a viable, productive land base can be secured for our aboriginal people. This bill is an attempt to achieve some certainty in the process, but does it bring us any closer to self-government for all land-based aboriginal peoples in Manitoba?

Since we will be talking in the committee hearings about aboriginal people in Manitoba, I will want to put some questions regarding the problems faced by urban aboriginals, especially those resident in Winnipeg, for I know it is a subject that our own committee will be addressing in the future.

I look forward to the committee discussion. I believe we should be able to report the bill to the Senate in time for it to pass before the end of this Parliament. I ask for the cooperation of all honourable senators.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE.

The Hon. the Speaker *pro tempore*: Honourable senators, when shall this bill be read the third time?

On motion of Senator Chalifoux, bill referred to the Standing Senate Committee on Aboriginal Peoples.

• (1500)

THE SENATE

MOTION TO CHANGE RULES OF THE SENATE TO ACCOMMODATE CLARITY ACT

Hon. Noël A. Kinsella (Deputy Leader of the Opposition), pursuant to notice of October 4, 2000, moved:

That:

1. Rule 26 of the *Rules of the Senate* be amended:

(a) by adding the following before section (1):

Constitutional Business

(1) Orders of the Day under rule 26.1

(b) by renumbering sections (1) and (2) and all cross-references thereto accordingly.

2. The *Rules of the Senate* are amended by adding the following after rule 26:

QUESTION CONSIDERED

26.1(1) Immediately after the government of a province tables in its legislative assembly or otherwise officially releases the question that it intends to submit to its voters in a referendum relating to the proposed secession of the province from Canada, motions to refer the question to Committee of the Whole for consideration and report may be moved without leave at the next sitting of the Senate, and, if moved, must be considered and disposed of in priority to all other orders of the day.

CLEAR MAJORITY CONSIDERED

(2) Immediately after the government of a province, following a referendum relating to the secession of that province from Canada, seeks to enter into negotiations on the terms of which that province might cease to be a part of Canada, motions to refer the subject of the clarity of the majority achieved in the referendum, to Committee of the Whole for consideration and report may be moved without leave at the next sitting of the Senate, and if moved must be considered and disposed of in priority to all other orders of the day.

ORDER OF BUSINESS

(3) Notwithstanding rule 23(8), the Speaker shall call for motions under this rule as the first item of business after question period.

PRIORITY

(4) In Orders of the Day, motions shall be considered and disposed of in the following order: a motion, if any, by the Leader of the Government; a motion, if any, by the Leader of the Opposition; motions, if any, by other Senators.

DEEMED DISPOSITION

(5) Only one order of reference at a time may be made under subsections (1) and (2), and as soon as an order of reference is adopted, with or without amendment, the remaining motions fall from the order paper.

TRANSMISSION OF FINDINGS

(6) When the Senate adopts a resolution in respect of a report received and considered under subsection (1), which shall be within 15 days of the commencement of proceeding under subsection (1), the Speaker of the Senate shall transmit copies of the resolution and of all

proceedings held under this rule in the Senate and in Committee of the Whole, including an integral copy of every representation made under this rule, to the Speaker of the House of Commons and to the Speakers of each provincial and territorial legislative assembly in Canada.

PROVINCIAL REPRESENTATION

(7) Where an order is made under subsection (2), the Clerk of the Senate, immediately following the adoption of the report, shall invite the government of every province and territory to make verbal or written representations to the Committee of the Whole, and every province and territory that replies in the affirmative shall be given reasonable opportunity to do so.

MINORITY REPRESENTATION

(8) Where an order is made under subsection (2), the Committee shall decide which representatives of the Aboriginal peoples of Canada and of the English and French linguistic minority population of each province and territory should be invited to make verbal or written representations to the committee, and every representative who replies in the affirmative shall be given reasonable opportunity to do so.

TRANSMISSION OF FINDINGS

(9) When the Senate adopts a resolution in respect of a report received and considered under subsection (2), which shall be within 15 days of the commencement of proceedings under subsection (2), the Speaker of the Senate shall transmit copies of the resolution and of all proceedings held under this rule in the Senate and in Committee of the Whole, including an integral copy of every representation made under this rule, to the Speaker of the House of Commons and to the Speakers of each provincial and territorial legislative assembly in Canada.

He said: Honourable senators, I am sure that it is not necessary to revisit in detail one of the most historic debates ever held in this chamber, namely, the debate on Bill C-20, to give effect to the requirement for clarity as set out in the opinion of the Supreme Court of Canada in the Quebec Secession Reference, a debate that concluded with the adoption of legislation earlier in this session of Parliament.

Honourable senators will recall that one element of the debate which seized the attention of all honourable senators in all parts of the house dealt with the manner in which, in our bicameral system, the Senate of Canada would be called upon to express its view on the clarity of a reference question brought forward by a province or the clarity of the result of a referendum on that question and the matter of negotiations.

Many honourable senators were uncomfortable with that part of the bill. I believe all honourable senators had concerns about that question. The fact is that Bill C-20 is now the law of the land, and everyone in this house accepts it as such. That does not leave members of this house without a margin of manoeuvrability in ensuring that the exigencies of the bill as it relates to the Senate would be responded to by the Senate with the greatest degree of seriousness. It seems to me that we should use our rules, of which we are masters, to ensure that the opinion of the Senate is taken into consideration by the House of Commons, should a resolution from a legislative assembly come forward as envisaged by Bill C-20.

Focusing for a moment just on the referendum question, as you will recall, honourable senators, from the time a resolution is brought forward by a legislative assembly, the House of Commons has 30 days to make a determination on the clarity of the question. The law does not envisage a requirement for the Senate to exercise its judgment; rather, the law provides that the House of Commons shall take into consideration the views of the Senate. This motion attempts to ensure that we not lose any time in the Senate in formulating our view so that our view will be before the members of the other house with sufficient time for them to seriously consider it.

This motion is quite simple. It would be deemed to be an order of the house that a resolution on the clarity of the question is subject to debate immediately. There would be no delay. It would have priority in procedure. Within 15 days the Senate will have adjudicated on the clarity of the question and will have sent to the other place, by formal message, the Senate's view on the clarity of the question. In other words, we will have ensured that the Senate's view on the proposed referendum question is in the hands of the members of the other place a full 15 days before they have to conclude their deliberation.

This is not our preferred approach, honourable senators, but we have the law and we can use our rules to ensure the next best thing — that is, to have the opinion of the Senate formulated, expressed and formally sent to the other place within sufficient time that the other place will be able to seriously consider the opinion that the law requires them consider. That model would apply not only to the referendum question but also to the clarity of the referendum vote.

In terms of process, should this motion find favour, I would envisage it being referred to the Rules Committee for study in detail.

Hon. Jack Austin: Would the honourable Senator Kinsella permit a question?

Senator Kinsella: Certainly.

• (15:10)

Senator Austin: Could the honourable senator explain two items? What is the rationale for the system of priority in

motions under Orders of the Day outlined there? How do you require the Senate to adopt a resolution within 15 days or at any time? How do you require the Senate to do that in advance of the debate and its own process for coming to a conclusion?

Senator Kinsella: I would hope that the provisions that are laid out in the motion would achieve that objective. If there is a technical difficulty in doing that, then this matter should be referred to the Rules Committee so that it can answer that question. The objective that I was trying to achieve is that which I have outlined.

Four priorities have been mentioned. In Orders of the Day, motions shall be considered and disposed of in the following order: a motion, if any, by the Leader of the Government; a motion, if any, by the Leader of the Opposition; motions, if any, by other senators. The motion would be a priority motion. In other words, the Senate would be seized of the matter to get the debate started immediately. The objective is to have the Senate take into consideration, immediately, a referendum question, to reach a conclusion within 15 days and to make that conclusion, namely the opinion on the referendum question, available. That is what is attempted. Technically, if it does not achieve that purpose, I know the Rules Committee would find the right words to have that objective achieved. That is the objective.

Senator Austin: My understanding of subclause (4) — and I should like to be corrected if my understanding is wrong — is that the government would have the first opportunity to propose the terms and text of the motion. It would be dealt with in priority to any proposals from the opposition side or from any other senator. Following that, the procedure would be that the first vote would be on the government motion. If there were a successful vote in this chamber, then all others would be stood aside.

Senator Kinsella: Yes.

Senator Austin: Is that an explanation of the proposal?

Senator Kinsella: Yes.

Senator Austin: On the other question, I wonder why the honourable senator sees the need to anticipate the circumstances. If this situation actually were to arise, does he not believe that the Senate of the time would move expeditiously? Why does the honourable senator want to set an order at this stage to bind a future Parliament as to when the Senate might deal with this question?

Senator Kinsella: That is an excellent question and does indeed speak to a major part of the motivation, that the Senate not have to accept a process that excludes the Senate or has emasculated the Senate, in the views of many. This rule would make it perfectly clear that the Senate is part of the bicameral Parliament and that we will use our rules to protect the rights of the Senate without offending the statute that now forms part of the law.

In my judgment, that is extremely important in terms of the standing of the Senate in our bicameral system. We all understand the difficulties of amending a piece of legislation and the dynamics that surround the process. We all could probably envisage, under circumstances different from the circumstances that we faced months ago on that bill, that it might have been amended. To answer the question, the motivation is principally to re-establish the place of the Senate in our bicameral system.

Hon. Nicholas W. Taylor: Honourable senators, I should like to continue the process further. I have been interested in past debates in the place of the Senate with regard to action under the clarity bill. Senator Austin's point is a good one, keeping in mind the mechanics that we now have in the House and that a motion for secession coming from a province would likely be opposed by the government of the day. Senator Austin's point that it might be gilding the lily is well taken.

I thought of another possibility that is not altogether impossible, namely that the government of the day might favour the province that wants to separate. We have heard that from some of our political parties recently, and two arguments make it whole. The first is, if you do not like it here, goodbye and good riddance, and the second is that we would like a loosely constructed confederation.

However, if the government of the day is supportive of the referendum idea put in the bill, is there any way that the Senate minority can, under present-day rules, without the honourable senator's motion, force a debate on the matter in Parliament and push it through in time? That might be an argument in favour of the motion.

Senator Kinsella: I believe the act currently provides that the minister in the other place must table some sort of resolution dealing with the clarity of the referendum question put by whatever legislative assembly. That is why I envisage that it would be the Leader of the Government in this house who would table a parallel motion. I am not sure how it would actually be drafted.

The act requires the House of Commons to express an opinion as to whether or not they think the question is clear enough for them to say to the government, "Yes, and if step two and three are followed, then you can negotiate." If it is not clear, then they will say, "It is not clear," and there will be no obligation to negotiate secession.

The resolution tabled here by the Leader of the Government would be the same as the resolution that the minister would have already tabled in the other place. They will have our views as senators, and not at any old time. It is sort of like pre-study. Pre-study only makes sense if the pre-study is done before the committee stage has been concluded in the House. The technical intent here is to find a way in which we will express our view in sufficient time that it will be meaningful.

The Hon. the Speaker: Honourable Senator Kinsella, I regret to interrupt you, but your 15 minutes has expired. Are you requesting leave to continue?

Senator Kinsella: I will request leave, yes.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Yes.

Senator Taylor: Honourable senators, I am still not sure that I have an answer to my question. I am concerned about a situation where, through negotiations or through discussions between the government of the day and the government of the province that wants to put forward a referendum about secession, they have reached agreement before it even gets to the House.

• (1520)

That is not impossible with some of the political parties on the scene today and the government. They may already have agreement, and they will then also control the government in the Senate. As Senator Austin points out, if the government of the day opposes the referendum, my honourable friend's motion would be redundant because the government could place the question on the agenda the next day. However, the government of the day may be asleep at the switch or stupid, or maybe it has made a deal with the government of the province that is talking about seceding. That is what I wanted to know, namely, whether this motion is any better than what we have now to bring a clarity debate to the Senate floor.

Senator Kinsella: As the honourable senator might recall, during the debate on Bill C-20, we heard some argue — and, if the record is checked, the Leader of the Government in the Senate argued — that the Senate did not have to be included. Many honourable senators on both sides did not agree. The intent of this motion is to have the Senate seized of the proposed referendum question in a timely fashion and ascertain whether or not it is clear as provided by Bill C-20, which is now the law. Subclause 9 of the motion is the key clause, namely, that the Senate adopt its resolution within 15 days of the commencement of proceedings. To commence the proceedings forthwith, we give priority to the motion either brought in by the Leader of the Government, the Leader of the Opposition or another honourable senator, in that priority, in order that it is dealt with and placed on the Order Paper. That is the intent and the drafters of the motion have captured it. I did not draft the motion, as most of us do not do technical drafting, which is why we go through these motions in committee with a fine-tooth comb.

Senator Austin: Honourable senators, speaking for myself, I question the need for the rules to be changed in this fashion at this time. I also question the process, but I have no objection to the reference to the Rules Committee. It will certainly provide us with interesting discussion if the Senate so decides.

The Hon. the Speaker: Does any other honourable senator wish to speak? If not, is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

REFERRED TO COMMITTEE

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I move that the motion be referred to the Standing Committee on Privileges, Standing Rules and Orders.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

BUSINESS OF THE SENATE

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, pursuant to an order of this house, the Senate will resolve itself into Committee of the Whole at 4 p.m. We have completed the business of the Order Paper. Accordingly, I request leave that the Senate adjourn during pleasure. The difference between adjourning during pleasure and suspending is that if we suspend, someone will have to sit in the Chair. If we adjourn during pleasure, then Senator Moore will not have to stay in the chamber. Perhaps I could ask for leave to adjourn during pleasure until 3:50 p.m., at which time the bells will ring for 10 minutes to call senators back to the chamber.

The Hon. the Speaker: The bells will ring at 3:50 p.m. until 4 p.m., at which time the Senate will resolve itself into Committee of the Whole.

Is leave granted, honourable senators?

Hon. Senators: Agreed.

The Senate adjourned during pleasure.

[Translation]

• (1600)

PRIVACY COMMISSIONER

THE NOMINATION OF MR. GEORGE RADWANSKI—
CONSIDERED IN COMMITTEE OF THE WHOLE

On the Order:

The Senate put into Committee of the Whole in order to receive Mr. George Radwanski on the matter of his appointment as Privacy Commissioner.

The Senate was accordingly adjourned during pleasure and put into Committee of the Whole, the Honourable Rose-Marie Losier-Cool in the Chair.

[English]

Before we begin, may I bring your attention to rule 83, which states the following:

83. When the Senate is put into Committee of the Whole every Senator shall sit in the place assigned to that Senator. A Senator who desires to speak shall rise and address the Chair.

The last time Commissioner Phillips appeared before us, this rule was waived. Is it your pleasure, honourable senators, to waive rule 83?

Some Hon. Senators: Agreed.

Senator Prud'homme: No!

The Chairman: Rule 83 stands, then, honourable senators.

Senator Prud'homme: No one told me that there was a preference to proceed otherwise. If you were to revert back to the question now, I would agree because it changes a few projects.

The Chairman: Is it agreed, then, that the rule is waived?

Hon. Senators: Agreed.

Pursuant to Order of the Senate, Mr. George Radwanski was escorted to a seat in the Senate chamber.

[Translation]

The Chairman: Mr. Radwanski, I welcome you on behalf of all the senators.

[English]

Mr. Radwanski, do you have an opening statement?

Mr. George Radwanski, Interim Privacy Commissioner: Honourable senators, I thought I would make some brief remarks to allow the maximum possible time for a discussion and questions.

First, I would like to tell you briefly about myself. Some of you may have seen my biography but one takes nothing for granted. I am originally a Montrealer and spent the first part of my life there. I studied at McGill University, where I obtained a B.A. and a law degree.

[Translation]

I speak French fairly well, although I have forgotten it a bit with my years in Toronto, but it is coming back quite quickly now that I am here. For the time being, I will speak English. If you wish to put questions to me in French, I understand French perfectly.

[English]

During my studies — and more or less by accident — I drifted into journalism as a reporter at the *Montreal Gazette*. Consequently, by the time I was in law school I was the senior staff writer on the *Montreal Gazette* so I decided to stay at it for a while and see where that particular train would take me. As a result I became a columnist on national affairs for the *Montreal Gazette* in Ottawa and then Ottawa editor and national affairs columnist for the *Financial Times* of Canada. Following that, I went to *The Toronto Star* as editorial page editor and subsequently became editor-in-chief. After that, I had occasion to do several policy studies for the Government of Ontario. The first was the Ontario study of the service sector looking at the whole issue of the post-industrial economy; the second was a review of education in Ontario and, by extension, in Canada. I have also written a couple of books in the intervening years since I left *The Toronto Star*. I worked as a consultant. Several years ago, I had the privilege of heading the Canada Post mandate review.

A common theme throughout these years has been an involvement in public policy and in the issues touching on our country. In everything I have done throughout these years, I have tried to make a contribution to this country and to make a difference on the issues.

That brings me to the present and to the great privilege I have had, since September 1, of serving as Interim Privacy Commissioner. I use the word “privilege” very advisedly. It is very much my view that privacy is fundamentally important in international life. It is a fundamental issue of human freedom. If people have occasion, either literally or metaphorically, to feel that someone is looking over their shoulder and that their private actions are being observed or are in danger of becoming public, it constrains freedom of choice. Violations of privacy have had increasingly severe consequences. As important as privacy has been, I believe that it will become a vastly more important issue in the years ahead and, in particular, in the coming decade. I say that because, in many respects, until recently, privacy has been protected somewhat by default in the sense that the means to violate privacy were comparatively limited. Now, however, with new means of surveillance and with all the advantages and advances in digital technologies, in science pertaining to DNA, ethics, and so on, the issues are rapidly multiplying and the fundamental human value of privacy can only be protected by a conscious effort to do so and by real vigilance every step of the way.

It is in that context that I feel an enormous sense of privilege in being able to make a contribution on this issue. If it is the will of Parliament, the will of the Senate, that I continue in that role as the permanent, full-time Privacy Commissioner, you can be assured that it is an issue that I regard with the utmost importance, and I will deal with it in an ongoing way to the utmost of my abilities, conscious that it is a trust that is fundamental to human values and human freedoms in this country.

• (1610)

That being said, I would be happy to answer your questions or engage in any discussion. I would ask honourable senators to keep in mind that I have been at this job for barely over a month. On some issues the learning curve is steep and there may be things at which I am not fully expert yet, although I fully intend to be in a short time.

Senator Murray: Mr. Radwanski, did you apply for the job of privacy commissioner?

Mr. Radwanski: I did not, senator. The question was put to me whether it would be something of interest and eventually I was offered the position.

Senator Murray: The question was put to you by whom?

Mr. Radwanski: The people whose role it is to put such questions.

Senator Murray: The government, the ministers. This is not your fault, but there is some considerable concern that the consultation process was, to put it mildly, inadequate. I will not ask you to comment on that. As I say, it is not your problem but it is ours, and I want to have that on the record.

I am rather bemused by the fact that you are the second former journalist in a row to be nominated for the post of Privacy Commissioner.

Mr. Radwanski: The third, actually.

Senator Murray: The right of people to their privacy is not necessarily at the top of the list of priorities of people in your profession normally and, that being said, I think it is generally agreed that your predecessor, also a former journalist, did a good job.

I wish to ask you about something in particular. A few months ago we passed Bill C-6 — I believe you are familiar with that act as it is now — to protect the privacy of personal information that is collected for various commercial purposes. In that act, the government — Parliament eventually — provided an exemption for personal information collected for journalistic purposes; indeed, journalistic, artistic or literary purposes. Can you explain the principal justification for that exemption? Do you agree with that exemption?

Mr. Radwanski: I would be happy to answer that question. Let me first go back to your previous remark about the interrelationship between being a former journalist, since I have not been one since 1985, and this position. I wish to assure you that the fields of journalism in which I was engaged had no interest in invading anyone's privacy. Those fields dealt with informing Canadians, to the best of my ability and through my leadership at the newspaper I headed when I was editor of *The Toronto Star*, about the issues of our country.

Is journalism a good background for this position? Speaking for myself, it probably is. The experience I had as a journalist was in getting to the bottom of things one might otherwise not know much about, asking the right questions, and hopefully coming up with answers that made some sense. The information was then communicated to the public at large in a way that could be readily understood and would hopefully have some impact on the public consciousness. I believe that is closely related to the kind of job that the Privacy Commissioner — being essentially an ombudsman function, not an enforcement function — should be carrying out. Therefore, I do feel that this part of my background, as well as my involvement in public issues, has been good training.

On your question about the exemption for journalism, frankly, yes, I agree. Obviously, I had no hand in drafting the legislation, but I do not believe we could have a free press without that provision. Otherwise it becomes too easy to say that a great many things that are of public interest from the point of view of understanding what is going on in this country are personal information in the broad sense of the word. Speaking not as a journalist but as someone concerned about public policy, without that provision we would have a controlled and constrained press that would be inimical to a fully functioning democracy and subject, I might add, to the fact that we do have libel laws that provide a measure of protection.

Senator Murray: Libel laws provide protection if a complainant has been effectively lied about or slandered in the media. Do you agree that there is a balance to be struck between the right to freedom of the press and the right to privacy?

Mr. Radwanski: There is in every realm that touches on privacy. In fact, I would argue that there are balances to be struck in every realm of life in our society. There are other self-disciplining mechanisms that are not always perfect. For instance, there are press councils. In this country there is also the issue of public opinion. This is a country that does not place a high degree of enthusiasm on egregious violations of personal privacy by the media, broadly speaking, so there are disciplines.

Could there be discipline beyond trusting the media to strike the right balance? I would be worried about that, frankly, because freedom of the press is fundamental. I cannot say that I see anything that has occurred that would justify a need for legislative constraints of any kind.

Senator Murray: Would you agree that to support the entrenchment in the Charter of a right to privacy, thus putting the right to privacy on the same basis as the right to freedom of the press and freedom of expression, that the right balance would need to be struck?

Mr. Radwanski: As I said, senator, there are always balances. Personally, I would be uncomfortable with legislated constraints of any kind on a free press.

Senator Murray: What about a right to privacy in the Charter? It has come up before.

Mr. Radwanski: You used the word “balance” yourself. In my view the right to privacy is a fundamental right, like many other rights in the Charter.

Senator Murray: The point is that it is not in the Charter. Would you favour its entrenchment in the Charter?

Mr. Radwanski: Oh, I do. I believe Senator Finestone’s legislation is an excellent initiative. The senator has been a good friend to privacy. Noting the importance of privacy as a fundamental right would be, if anything, long overdue. My office has argued for that in the past and I fully support it, but it is not a right that transcends all other rights.

Senator Murray: No, and neither does the right of freedom of the press. This is the problem.

Mr. Radwanski: That is correct.

Senator Murray: Some people act as if freedom to collect and disseminate information trumps all other rights.

Does a person’s right to privacy die with him or her?

Mr. Radwanski: I knew we would get to that issue. Let me answer obliquely in the first instance. I would say that a person’s right to have a formal legislated commitment made by the Government of Canada does not die with them.

Senator Murray: Mr. Radwanski, I come back to a provision in Bill C-6 that allows for the disclosure of information, which is collected for commercial reasons, 20 years after one’s death.

Mr. Radwanski: Right.

Senator Murray: This information might concern one’s credit card, one’s mortgage, or any information collected for personal reasons and which may be disclosed, subject to certain broad guidelines, 20 years after one’s death. I was not able to get anyone to provide a principal justification for that provision other than to say that, “Well, we have that kind of provision in the Privacy Act with regard to government information.” That is another issue. I am talking about information that is collected on you and me for commercial purposes.

• (1620)

I am appalled to think that such information can be disclosed 20 years after one’s death, because of a provision in the act. What I want to know is what you think of it and whether you are prepared to urge the removal of that provision from the law.

Mr. Radwanski: Let me put it this way, senator. I would want to be a little careful in making a categorical statement, simply because I do not know at this time what the rationale was for putting in such a provision, and I would want to know that. If you ask my general opinion, then I agree with you. There are not too many instances that come to my mind as to why it would be socially important or in any way desirable to be able to release that kind of information 20, 30, or whatever number of years after.

A general principle which I think is a good one with regard to privacy is that incursions into privacy or violations of privacy should be only to such an extent as can be justified by an explanation or a reason for them. In principle, yes, I agree with your concern, senator.

Senator Murray: Then I invite you to discuss Senator Milne's Bill S-15.

The Chairman: Honourable senators, I should like to remind you of rule 84, which states that during debate in Committee of the Whole no senator shall speak for more than 10 minutes at any one time. I shall try to adhere to that rule as much as possible.

Senator Milne: Mr. Radwanski, to be fair to you, I shall try to repeat pretty well what I asked your predecessor when he appeared before us on several occasions. I wish to talk about historic censuses.

Over the course of the past 100 years there has been a balance in Canada between the right to privacy and the right to use personal information for historical research. I am very certain that the original position of your predecessor, Mr. Phillips, was based on an opinion by lawyers in the Department of Justice that was, I believe, fundamentally flawed. Statistics Canada had asked for this opinion. It is too bad that the Department of Justice lawyers were in too big a hurry, because if they had read just another few pages on, or even a few lines further on, they would have found in the 1906 instructions that the census takers were directed to write clearly because the census was intended to form a permanent record to be held in the archives of the Dominion. At that time, everything that was held in the archives was public. Nothing was sequestered.

It is quite clear that the lawmakers and legislators of that time meant that to be a permanent and, eventually, a public record. The implicit intent was that the census would eventually be open to the public. This balance between a right to privacy and the right to historic census data was debated again in 1983, when the act establishing your position was set up.

I have reason to believe that Mr. Phillips' position on the release of the historic census had recently changed. It had been changing over the past two appearances that Mr. Phillips made before us, and I believe over the summer it was still changing. I want to know your position on the release of historic census data. Do you hold the same position as Mr. Phillips originally held; or do you intend to change the position of your office on this issue as he was in the process of doing?

Mr. Radwanski: Thank you for that question, senator. I imagine you will forgive me if I do not respond in terms of my predecessor's position but simply confine myself to telling you my own thoughts on the matter.

First, with regard to the point you raise about the 1906 precedent and so forth, I think a case can be made for the

censuses up to 1916 on that basis. However, speaking for myself, my concern is that post-1916 there was an explicit legislated promise of confidentiality, and —

Senator Milne: Again, in the instructions to the census takers —

Mr. Radwanski: Senator, I am sure we could have a good debate on that point. My own sense is that Canadians filled in those forms on the basis of a belief that they were confidential and that the government had promised confidentiality. I have a concern in principle about the Government of Canada's giving its word and then breaking it.

Is that a narrow privacy concern? No, it is not. Speaking as an individual, and regardless of the passage of time, it simply bothers me that people could be induced to take a certain course of action and then have the Government of Canada, the highest authority in the land, say, "Well, the commitment we gave does not really hold, whether years have passed or not." That is my fundamental difficulty with that issue.

As to my position in my office, I believe, as certainly has my predecessor, that the compromise position that was worked out is a reasonable compromise. I met at some length with the Chief Statistician, Dr. Fellegi, and he, by virtue of his responsibility for the census, also believes that that is a good and reasonable compromise. Frankly, I was also quite impressed with his concerns that a different position could compromise the integrity of future census data collection.

That is my position. My position is in support of the compromise arrangement.

[Translation]

Senator De Bané: Regarding Senator Murray's question to the effect that we could, under the present circumstances, release the personal information on someone 20 years after the death of that person, I thought you agreed with Senator Murray that information of a personal nature should not be made public even 50 years or more after a person's death.

Do you not think that historians have no interest in telling us about an anonymous person that is deceased, for example, a Prime Minister of Canada who died 50 or 100 years ago and who failed to pay his creditors? Do you not think that this is something that may be of interest to historians? While it may be of no interest in the case of anonymous people, it may be of great interest in the case of such a person to know that this person did not honour his or her personal commitments.

I find it hard to agree with Senator Murray's opinion — which you share — that the details of people's private lives, regardless of the role they may have played in society, are of no interest, even decades after their death.

Mr. Radwinski: That is a very good question.

[English]

I think that is a very legitimate question. That is why in some parts of the legislation, as Senator Murray mentioned earlier, there are exceptions drawn for literary works, for journalistic activities and so forth. Certainly, the work of an historian could qualify in those cases under some of those headings.

I do not have an absolute view on this very fair question. It is a matter of balance. I will not purport to have a final answer on it after a month on the job. However, I think it is fair to ask even then: Are some details of a person's personal life really historically interesting or is dirt, or private information that should remain private, still that 20, 30 or 50 years later? There is a balance to this, and whether, for instance, a former leader's credit card information would be any more important as an historical record 20 or 50 years after his death than earlier, I would have to be persuaded, to be honest with you.

• (1630)

We are not talking about general information, and there are so many sources of information in the world these days. Does data that is by its nature personal become less personal if you are famous? I am thinking out loud here and would not want to be held to a final position on this, but if you go that route, how famous do you have to be for that to be the case? Does being a senator expose you to that degree of posthumous scrutiny, or does being a successful business person? Does having once written a famous letter to the editor have that effect?

Very complex questions are raised the moment one starts saying that, if you are well known, your fundamental privacy rights are somehow diminished. There is a legitimate question of public interest that is raised as a defence, as I said earlier, in libel cases, and the courts have been quite good at drawing that distinction. However, does every bit of otherwise private information about an individual become fair game? My honest answer is that I would have to think about that.

Senator De Bané: Thank you very much. I agree with those who say that the right to be left alone is a very important thing and that each of us is entitled to privacy. We all know that governments and large corporations today, particularly with computers, et cetera, can have access to the records of every trip we have taken, every phone call and every financial transaction we have made where we have not paid cash.

Did you have time, Mr. Radwanski, to look into the extent that the federal government and the provincial governments match their information in order to have a more comprehensive view of the personal data of each Canadian?

Mr. Radwanski: I have not made an exhaustive study of that personally to this time. However, my office has been very concerned with that issue for some time. As you know, the whole HRD situation was a classic illustration of that. My predecessor publicly raised the concern precisely about data matching. You are quite right that different parts of government, different

governments, and different outlets in the private sector have pieces of information. Most of these pieces are legitimately gathered for a specific purpose because a given service could not be provided without them. For instance, if you are going to get certain benefits, the benefit-issuing authority has to know who you are, what your situation is, and so forth. The fundamental danger to privacy arises when the information gets put together in ways that were not justified by the original purpose and that become a comprehensive database about an individual, which was the case, at least to a very considerable degree, with HRD.

As a result of the intervention of my office prior to my being there, and as a result of the fact that we have a vibrant privacy commissioner function, that problem was brought to light and the base was dismantled. The information has been returned to the originating departments that have legitimate uses for it.

I believe that is the kind of issue that we will encounter more and more with regard to both the government and the private sector. It is a crucial part of the responsibilities of the privacy commissioner to be vigilant in ensuring that information is used only for the purposes for which it was gathered, that only such information as is needed legitimately for identified purposes is gathered, that it is stored in ways that protect the integrity of the data, and that we do not get into forms of data matching which, by their very nature, are intrusive on an individual's privacy and can cause no end of serious problems.

I do not know whether I have fully answered your question, but I certainly share the concern you have expressed.

Senator Kinsella: Mr. Radwanski, did you ever apply for the editor's position at the *McGill Daily*?

Mr. Radwanski: I do not know that it would be correct to say that I applied. I was more or less, shall we say, railroaded into being a candidate for election to that position. I took the view that it should not be an elected position and did not run, but some people campaigned on my behalf. It is my eternal good fortune that I lost, because, had it been otherwise, I might not have had the opportunity to do various other things that I have done in my career.

Senator Kinsella: Given that we are now in the sphere of academia, what is your view on plagiarism and privacy?

Mr. Radwanski: Could you be a little more specific? I am not sure I see the connection that you are making.

Senator Kinsella: Let that be a question. Do you see any question between privacy and plagiarism as an attack on privacy?

Mr. Radwanski: Not off the top of my head. I would have to reflect on what connection there might be, but off the top of my head I would say that plagiarism certainly is a form of misrepresentation, if you will, and it may be a form of information theft. I do not know how plagiarism would directly relate to privacy, but I am certainly open to being informed or persuaded otherwise.

Senator Kinsella: When you were in the practice of journalism, did you ever reveal the identity of a confidential source? Did you ever report on something that, in retrospect, should have been a private matter?

Mr. Radwanski: Did I ever reveal the identity of a confidential source?

Senator Robichaud: That is a private matter.

Mr. Radwanski: I will answer the question. I never revealed the identity of a confidential source. There was an instance when I was at the *Gazette* where I did a lengthy investigative article with regard to a judge who behaved in such extraordinary ways on the bench that lawyers were refusing to appear before him. I looked into why that was the case and did an extensive article on the matter. In the course of that work, I did obtain some confidential information. The judge subsequently sued the *Gazette* and me. The confidential source was one that I protected to the end. The *Gazette's* lawyers persuaded that source that in the interest of the administration of justice, particularly ensuring that the behaviour of the individual in question was not vindicated, there was a greater good in his allowing himself to be identified, and that individual gave his consent.

I personally never violated confidentiality. I would have gone to prison, if need be, rather than do so. It did not arise in that instance, but, no, my word on any matter is good.

Senator Kinsella: So do you think that privacy is a little more than a relativistic analysis?

Mr. Radwanski: I am troubled by the way you went from that previous question to "So do you think."

Senator Kinsella: Wait until you hear my next questions.

Mr. Radwanski: In answer to your first question: relativistic, no. Are all rights in a society relative to some extent? Yes, of course. The only way to be absolutely private is to live alone on a mountaintop. Even then, with aircraft flying overhead there is no guarantee of privacy. Yes, rights must be balanced against other rights in a free and democratic society.

Senator Kinsella: On page 48 of the 1999-2000 annual report of the privacy commissioner it is pointed out that the privacy commissioner has no legislative mandate to educate the public about their informational privacy rights.

• (1640)

What is your view as to the importance of the Privacy Commissioner in exercising a public educational role as Privacy Commissioner?

Mr. Radwanski: I think it is of fundamental importance, senator. In fact, the situation has changed because, under the private sector legislation, Bill C-6, there is an explicit education

mandate. In fact, my first act literally as interim Privacy Commissioner was to create a new branch of the operation. The first week I was there, I brought in a new director general of communications and created strategic research for the office of the Privacy Commissioner. We are working hard at present on finalizing guidebooks regarding the private sector legislation, both for industries that will be affected and for the general public. We are planning advertising campaigns, information campaigns, conferences — you name it.

More broadly, I think it is an absolutely fundamental role of the Privacy Commissioner, particularly because this is an ombudsman function. It is a function that relies on moral authority in being able to bring abuses to light and, by the response that that evokes, hopefully having those abuses corrected. For that to be the case, there must be a public constituency. The public needs to understand the importance of privacy issues and their nature and their role. Communications is absolutely fundamental to that.

The short and the long answer to your question is: Yes, education is critical.

Senator Kinsella: Approximately what percentage of the Privacy Commissioner's budget in the present fiscal year is for public education in matters of privacy?

Mr. Radwanski: Until now, it has been a very small proportion. As you know, the Privacy Commissioner's office was allotted substantial additional funds, in the order of more than \$5 million, for the first year of dealing with the private sector legislation. We have not finalized our allocation of those funds, and certainly a large increase in the investigative function must be carried out, for research and so forth, but a very substantial commitment will be made to public education and information.

I should add that I want to do that in the most cost-effective ways possible, and not all of those require spending huge sums of money. For instance, I believe a crucial role of the Privacy Commissioner is that education or information function which can be addressed through public speaking, through availability to the media and through involvement in conferences. Certainly, were I to be confirmed in this position, I would anticipate devoting a very considerable portion of my energies to that education, communication and consultation function; but I would also devote substantial resources to making sure that we heighten public awareness.

Senator Kinsella: In your view, sir, how far behind do you think government legislation, policy and regulations are in terms of the current press of electrification of information today?

Mr. Radwanski: I would be hard pressed to try to quantify it. I think that certainly the private sector legislation is an important step forward. There are very important new issues arising literally every day.

As the Privacy Commissioner, my challenge, were I to be in that role, would be to ensure that we, first of all, do everything necessary to have a good understanding of those issues as they are emerging. That is why I am also considerably enhancing the research and analysis function of our office. I certainly would look forward to providing advice to this chamber, to honourable senators and to the other House, to Parliament as a whole, on an ongoing basis on what gaps and needs we identify. I certainly would never be shy about so doing, because I think that is a fundamental part of this role.

Senator Kennedy: Mr. Radwanski, I am interested in the privacy aspect of our health records. Traditionally, I think our health records have been quite properly guarded by the medical people with whom we deal. They have often felt that those records are indeed theirs, although they may be records that pertain to you and your health.

As we go along in this information age, it is certainly not beyond the realm of possibility that within the very near future you and I will have medical cards that contain our medical records, and I hope that that will be the case. Quite recently, in a case that I know of, a person in hospital was given a medication which he should not have been given, simply because they had not gone back through his old records. The result was the necessity for blood transfusions and so on.

What I am getting at is, when we can have that kind of consolidated information that is about us, will we own that, or will the institution or the medical profession own that? Whose right of privacy will we be looking after in that instance?

Mr. Radwanski: You are touching on what I think is one of the priority privacy questions of the period ahead. Like you, I start from the premise that there certainly are advantages to some of the advances that can be made in managing health information, both from the point of view of individuals and with respect to having a collective picture of the health of Canadians, vis-à-vis emerging problems, and so forth. The critical issue, and I think it has to be built into these systems from the beginning, is the protection of privacy. How exactly you do that, I think, requires some more work.

My office had a meeting just two weeks ago with some leading experts in the health care field, including several leading academics from the United States who are very active on this whole issue of privacy and health data. We are working on coming up with the best recommendations on how to address it. Certainly, as a point of departure, my premise is that the crucial issue is that the information serve individuals from the point of view of their specific information and that aggregated data serve the system for providing the best possible care. However, safeguards must be built into the systems right from the beginning to ensure that the information in fact remains private in the truest sense and cannot be used for inappropriate purposes. For instance, information that is available to one's health practitioner should not automatically end up being available to third parties, to employers, or whomever. That would be a gross violation of privacy, let alone should it find its way into

commercial hands for uses that could be very intrusive of privacy.

How you achieve that is something that, as I say, my office is working very hard on, and I certainly would anticipate reaching conclusions and perhaps having opportunities in this venue or others for me to keep you and other senators apprised of our thinking as it develops.

Senator Lynch-Staunton: Mr. Radwanski, when Mr. Phillips' name was put forward by the government of the day, there was strong opposition from our friends opposite, who were then in opposition here and in the other place, on the basis that he was tainted politically because he had held an office with the Prime Minister and had been named to Washington as a counsellor on information. That gave him a political tinge that was unacceptable to an office which should certainly have the appearance of independence.

In your CV, which I have before me, you have been identified on a number of occasions with the Liberal government and Liberal party activities. I have no objection to that whatsoever, and it is not the point of my remark. However, is the objection raised at the time by our friends opposite still valid today? Should anyone who has been identified as fairly active with a government party, particularly, have his qualifications questioned for this position, or for that of any officer of Parliament, of which I think there are six others?

Mr. Radwanski: Well, senator, I was not among those who in any way questioned my predecessor's appointment, and I would not be among those who would ever argue that service to this country in whatever form, as long as it is honourable service, should be disqualification for continuing to make a contribution to the life of this country.

• (1650)

I certainly would not identify myself as a partisan in any ongoing, active sense, nor has that formed the bulk of my activities, not that I would apologize to you if it had. What I have tried to do throughout my career is make a difference and uphold the values that I believe in and, in some instances, fight for the issues that I thought were important to fight for. In several limited instances, that did mean becoming directly involved in the political process.

Those were quite limited political instances. One particular event where I did involve myself was the 1988 election campaign. I assisted Mr. Turner at campaign headquarters. I was invited to do that. Having been in journalism, it was the first time I was in a position to make a contribution in that way. I had a strong sense that there were important issues before the country in that election. I had a strong view regarding some of those issues and the direction in which the country was heading. Frankly, I also had a concern going into that election that a very important political party was in some danger of being wiped off the face of the political map and I did what I could to be helpful.

My other major involvement was helping Mr. Chrétien during his leadership campaign and providing some limited advice on an ongoing basis from Toronto for a year after that when he was opposition leader. That was based on my view that this was an individual for whom I had very high regard. I had known him since my days as a journalist. I believed that it would be beneficial to the country to have him as leader of the Liberal Party for a variety of reasons, not least of which was his views on the national unity issue, and I did what I could to help.

As a partisan, I have not been involved in the last several elections in any significant way. I knocked on doors for a few friends and I make no apology for that either.

I would almost feel that I had to apologize to you or to this chamber more if I were an individual who had not concerned himself with public issues or had not tried to make a contribution to this country over the years. If I had reached my current age without ever trying to contribute to the political process or to advance some of the causes in which I believed, then I think you could legitimately ask me how I would purport to care enough about anything to be taken seriously in this position. My short answer is that in general I do not believe political involvement should disqualify anyone from office. The question is, is the individual qualified and is political involvement the only reason for which a position is being tendered or provided? In my own particular case, I do not think my involvement either qualifies me or disqualifies me. I would rather be considered on the basis of my own qualifications and contributions to the life of this country.

Senator Lynch-Staunton: If we were able to hold up this nomination or appointment to November 20, would you be available until then to help another party which is trying to save itself?

Mr. Radwanski: Well, senator, I would still be Interim Privacy Commissioner so I would have to be as avowedly non-partisan until then as I am determined to be throughout my involvement.

Senator Lynch-Staunton: I am sure you will be and I have no objection. I am glad you gave us an outline of the political activity you were involved in, and I hope you will agree with me that the objections that were raised against Mr. Phillips were as unfair, invalid and uncalled for as they would be today if I raised them. That is the point I wanted to make.

I do not apologize for using you to make that point but it has been on my mind for some time. I have been reading the transcripts here of what was said about Mr. Phillips. The fact that the same people who objected to him extended his mandate twice speaks very highly for the standards we set.

I have another question. You did not get all-party support in the House of Commons. I have not read the transcripts of the debates there, but I understand that some members questioned your qualifications for this job. I do not know if you appeared

before the House of Commons committee because, again, I did not have a chance to read the transcripts. You are here today. Can you give us your qualifications directly?

You say you were asked to take the job. It is not an easy one, particularly because many people do not believe privacy exists. Computers can be tampered with. We all know the challenges to privacy that exist. We know the weakness of the Privacy Act. Mr. Phillips wanted to strengthen it and had little success. We know the efforts of Senator Finestone, which you mentioned earlier, to put some teeth into the privacy statute. So far she has met with little success.

How do you qualify to reassure Canadians that, in the next few years, the issue of privacy will not only be looked after but that it will be even better protected? Hopefully, at your next appearance, we can continue this discussion.

Mr. Radwanski: To answer the first question, I did appear before a committee of the House of Commons for about an hour or 90 minutes and answered all their questions. Second, to my knowledge — and I stand to be corrected — no member of the other chamber questioned my qualifications for the position. Remarks were made about my so-called political affiliation. I have given you my comments today as indeed I made comments before the Commons committee. I provided them with the same information.

At the end of the day, it is for this chamber and for Parliament to determine whether or not I am in fact qualified. If you want my own view of my qualifications, let me begin by saying that I would not have accepted this position even on an interim basis, let alone be putting myself before you for a full-time appointment, if I did not feel fully qualified.

Why do I feel qualified? First, I have a degree in law, which is frankly more than the predecessors who performed very elegantly in this position have had. Second, I have had an extensive career in dealing with important public policy issues whether as a journalist, a consultant or an author. My whole public career, my whole life as an adult, has been devoted to seeking to understand, to analyze, to reach conclusions about and to comment on or provide advice on, if you will, important policy issues. Of course that is the crux of the work confronting a privacy commissioner.

I have senior management experience. I have headed three major policy-and-issue studies, as I mentioned, two for the Ontario government and the third being the Canada Post mandate review. I am skilled — if I may say so, an expert — at communicating. I am good at getting a message across to the public.

If one looks at all the required components of this job, I believe I meet them certainly as well as any of my predecessors. Whether I meet them to your satisfaction, only you can determine.

Senator Fairbairn: Thank you and welcome, Mr. Radwanski. I have a comment before my question. I would support your nomination as Privacy Commissioner based on the qualifications and the experience you have for exactly the same reasons that I supported the nomination of your predecessor, Mr. Phillips, with the qualifications that he had.

I want to just tag a question onto that asked by Senator Kennedy on the issue of health. As you may or may not know, the Senate is engaged at the moment in a special study on health care in Canada through our Social Affairs Committee. That study will be ongoing through the next year or so. Already the question of privacy of health information has come up. Indeed, you may very well become a witness before that committee.

Added to the health issue, though, is another issue with which I think we are only just coming to grips: the question of genetic information.

• (1700)

Mr. Radwanski: I am sorry, senator, I had some trouble hearing you with some of the cross-talk here.

Senator Fairbairn: I will repeat the last sentence. In addition to interest and concern about privacy of health information for individuals in our new scientific and technological society, the other issue coming to the fore is the question of genetic information. I believe there have been efforts in the United States to form regulations in this area. I am not aware how far we have gone in our studies.

Do you have particular views on the degree to which privacy should extend to the issue of genetic testing as it affects the individual?

Mr. Radwanski: This is a huge issue, senator. It is of great concern to me and something that I was fascinated with and concerned about even before this position loomed on the horizon for me. It raises some crucial questions about privacy and the rights of the individual.

As science advances, there can be great benefits from genetic testing in terms of being able to head off certain diseases, prolong life and so forth. How that information is handled is of enormous importance. One of the questions is whether insurers have the right to information not only about one's current health but about one's potential health, which is, in effect, what genetic information provides. If they do, where would that leave the individual and the right to keep information about his or her health private? Complex arguments could be made on that issue.

There are also employment issues. If I could find out that an employee is predisposed to a condition that has not yet occurred but that could leave the employee disabled or unreliable in terms of attendance, would I have the right to discriminate against that employee on that basis?

This is where it gets very interesting. There are questions not only about the right to protect one's genetic data but questions by some experts about the right not to know. If my DNA is sampled

in the course of a medical procedure, do I have a right not to know that I am prone to some life-limiting condition? What about a third party? If a genetic-based ailment runs through my family, in the instance of a parent or sibling, do I have a right not to know, or does a medical practitioner or a third party have an obligation to inform me?

These are huge questions. I would not pretend that I or my office have the answers, but they are priority areas for examination. We are examining and researching them. My overall disposition on this, as on other matters, is that the privacy of the individual must be protected. For instance, confidentiality is critical in individuals feeling free to go to their physicians. If one had to fear that one's medical information could be spewed all over the place, one might not go to a practitioner if it were important to do so. Advantages to DNA testing and future genetic manipulation may be lost to individuals if they are afraid to obtain the information for fear of having their privacy, and possibly the future course of their life, their employability, insurability and so forth, violated.

These are complex issues, honourable senators. It is not enough to say we will just keep it all secret because who knows what that means? We are looking at these issues very carefully. Again, at the right time, I would welcome the opportunity to appear before a Senate committee and give, certainly not definitive answers — I doubt that anyone will have them — but the best advice of myself and my office.

Senator Fairbairn: We shall put your name on the list.

Senator Lynch-Staunton: I have a point of clarification, if Senator Fairbairn will allow me. On April 17, 1991, the vote for Mr. Phillips was 38 and against Mr. Phillips was 30. Senator Fairbairn is shown as voting against Mr. Phillips' nomination.

Senator Fairbairn: That would be inaccurate.

Senator Lynch-Staunton: Then the debates are inaccurate, so we will have to have a correction nine years later.

Senator Carney: Mr. Radwanski, I am not questioning your journalistic experiences or your policy background, but I would be interested in knowing how computer literate you are. Do you personally use the Internet?

Mr. Radwanski: I do, senator.

Senator Carney: Would you or do you use the Internet to order goods and services from retailers using your charge card?

Mr. Radwanski: I do not, senator.

Senator Carney: Why not?

Mr. Radwanski: I do not for several reasons, the most prominent being that I have not found it a particularly useful way to conduct transactions. I have used the Internet to book hotel reservations, for example, and I have used my charge card in those instances. If you are asking whether I am conscious of hazards in that regard, yes, I am.

Senator Carney: Privacy matters in the use of the Internet and information technology can be of practical concern to you, Mr. Radwanski. It is one thing to say that your office is studying it, but I want to know how technically skilled you are in assessing the problem of privacy on the Internet. Then I will have another question.

Mr. Radwanski: I do not know if I am technically skilled. I think I am sufficiently intellectually skilled. You might ask as well if I have a medical degree. No, I do not, nor do I have a degree with regard to genetics or a host of other issues that will arise. I certainly have sufficient knowledge to understand the nature of the issues and sufficient sense to employ people who have expert knowledge and expert understanding and who can explain them to me in ways that I will be able to understand.

Senator, you will appreciate that, as part of my journalistic training, if someone can explain something to me in a way that I can understand and I can then explain it in a simple enough way that another person who does not have knowledge of these issues can understand, I have made a contribution. I am not concerned about my ability to cope with the issues, if that is the question you are asking.

Senator Carney: When I attend conferences on these issues, I am told that there is a question of whether regulations, legislation or policies in this area are useful because technology and consumer response are changing so quickly that any time regulations or legislation are brought in, they are obsolete before they are even mandated. There is some argument for that. In addition, since so many of these technologies are international — and you would appreciate this as a lawyer — there are clear restrictions on a country's ability to act on these matters. I would be interested in your views.

You have mentioned that your office would be vigilant, but do you think there is any practical way to bring in legislation and regulations in a technological era that is changing so quickly? Consumers are reacting to these changes in an international system. Is your office in fact obsolete or ineffective in this area?

Mr. Radwanski: I would argue the contrary, senator. Precisely because regulation and legislation have their limitations in an area that is so quick-moving, an office like mine that operates not by regulation, not by legislation, but by public disclosure and by moral suasion and by information has an all the more critical role to play.

• (1710)

My office and the incumbent in my position are charged with upholding certain basic privacy principles with regard to the collection of information, the correlation of information, the storage of information and the dissemination of information. Those principles remain valid for the protection of privacy. Whatever the technology or whatever the innovation, they have to be applied on an ongoing basis. That is precisely what an office like mine is able to do, namely, look at a given situation and say that as a result of this technological invasion, a principle of good privacy protection is being violated. It does not take all the time of the legislative process to deal with that. We have the

authority to report to this house or to make public disclosure any time an abuse of privacy comes to light that the public should know about. I would argue the opposite of your hypothesis. I would argue that, far from being obsolete, this office is essential.

Senator Carney: I changed the word to "ineffective."

Mr. Radwanski: I hope not. We have not had the mandate in the private sector until now, so I cannot tell you whether or not we are effective. I certainly hope — that is, if I am confirmed in this position — that when I report to you and this house a year from now, I will be able to give you some evidence that we are beginning to be effective. I see no inherent reason why this approach should not be effective.

Senator Carney: For the purpose of the debate, could you give us your definition of "privacy"? You must have an operating definition that would be useful to put on the record during this discussion.

Mr. Radwanski: To be truthful, I have not sat around trying to formulate the exact wording, but I will try to give you a working definition at this time. No one has asked me that question directly. I have a sense of what privacy is, but I have not tried to put it into words.

Senator Kinsella: The right to be left alone!

Mr. Radwanski: Certainly, that is a fair definition. I do not know if it is a complete definition, though. I am making this up as I go along, so I would not want to be held to it for years to come. Nevertheless, it will give you a sense of intellectual direction, perhaps.

I would say that privacy is the right to have information that pertains to oneself remain within one's own control, except and unless there is a demonstrable justification for doing otherwise; in most instances, except and unless one gives consent to other uses or other availability of that information.

Senator Carney: Are you telling us that there is no definition of "privacy" in your terms of reference?

Mr. Radwanski: I do not believe that the word "privacy" has ever been legally defined, but I stand to be corrected. There are many definitions, but most of them are either philosophical or theoretical. There are also dictionary definitions. You can shoot a hole in the definition I just gave you, but someone else could raise another definition and I could probably shoot five holes in it, too. It is a notional concept. It means different things to different people.

Senator Carney: It is not notional to me if the argument is that technology and practices are changing so quickly that regulation and legislation are not effective. If your answer to that question is that your office gives you the mandate to be free of regulation and free of legislation and to operate on the basis of certain principles, then I would argue that having a definition of "privacy" is vital. Otherwise, your office is unconstrained in its potential action and your own views as Privacy Commissioner are very important. You might wish to address that issue.

Mr. Radwanski: I certainly will take that under advisement, senator. Thank you.

[Translation]

Senator Beaudoin: In your presentation, you stated that the right to privacy is fundamental and I totally agree with you on that.

I realize that "the protection of privacy" per se is not in the Charter of Rights. However, section 7 of the Charter speaks of freedom and security of the person. I am also aware that there are no absolute rights. They may be limited if it can be proven that this is reasonable within a free and democratic society.

The debate we have this afternoon is basically about that. What is reasonable within a free and democratic society such as ours? How far can the historians go? How far the journalists, writers in general, the public servants? Do you consider it really a fundamental right? I believe so, but I would like to hear what you have to say on this.

Mr. Radwanski: I would say so as well.

[English]

I am trying to show off that I have not forgotten all my French, but I will accept your invitation in that regard.

I do think it is a fundamental right on par with other rights enumerated in the Constitution, subject to the usual qualification of such limitations as are reasonable in a free and democratic society. Yes, I do think it is a fundamental right. I think it touches on the freedom of individuals right across the span of their lives. For instance, if you hesitate to go to a physician when you are concerned about some symptoms because you are worried about the way that information might be used, then you are not as free as you should be. If you are concerned about making a given purchase because some form of data matching could conceivably reach a wrong conclusion and attribute to you flaws or characteristics that you do not have, again, you are not as free as you should be. You can get into potentially Orwellian situations.

I have heard examples concerning data matching and identity cards that are absolutely frightening. I will give you a hypothetical example. Let us say that you have an elderly shut-in relative who likes to have a certain amount to drink and that you, as a good deed, begin stopping every day at the liquor store to pick up a bottle of her favourite libation. With certain data matching and the way some of that stuff can and in some cases is being accessed, a potential employer or someone doing a character check could end up concluding that you have a serious drinking problem. Without you ever knowing about it, your future could be circumscribed. Before making a simple transaction, if you have to stop and think about whether the information could somehow be misconstrued or used against you, again you are not free. I could give 50 examples of the ways in which not simply convenience but also fundamental freedom to live our lives unconstrained except by the dictates of a

civilized society is compromised and privacy is violated. My answer to your question is: Yes, I do regard it as a fundamental human right.

Senator Beaudoin: There is also the question of the purpose.

[Translation]

If medical or other information is provided, this is done for a specific purpose. Is this not where it needs to be stated that it is provided for a specific purpose? That it cannot be disclosed for any and all purposes?

• (1720)

Senator De Bané's question is more difficult. Historians who write the biography of famous people, outstanding individuals well beyond the average, have access to the archives. In political terms, I do not think that represents much of a problem. We will always write about the lives of famous people. However, how far can we go into their personal lives if there is no connection between their personal remarks and their public lives in the service of their country? Is this not the very test of non-disclosure of information?

[English]

Mr. Radwanski: Again, senator, I agree with everything you are saying, so we cannot have much of a debate. It is the difficult issues that are always the test of privacy, and there is a balancing act in every instance. It is a matter of what is information relevant to an historical understanding and what is information of a private nature and should remain private.

For the most part, I would draw an analogy to day-to-day media reporting. I do not want to get drawn too far into this subject or we will get into a discussion that would not serve me well and would have me defending some media that I would not always want to defend.

We have done a pretty good job in this country — certainly the media has — of separating what is private and what is public. For instance, in this country, unlike some others, we do not have a steady diet of reading about the extramarital affairs of political figures because that is not the Canadian way. Our Canadian values militate against that kind of invasion of privacy. Broadly speaking, that has been the case with historical research as well. Can difficult instances arise? Certainly.

Again, there is a distinction perhaps between archival information, which is the information that public figures provide to the archives about their tenure and so forth, and private information, which is their credit card receipts and so on, which do not normally go into the archives. Yes, there is always a balance to be drawn between what is in the private interest and what is in the public interest, and you are putting your finger on one of the issues in which that is always a difficult choice.

[Translation]

Senator Prud'homme: My first words will be to sincerely thank Mr. Bruce Phillips for his remarkable work.

[English]

I supported him. I know that our colleague Senator Lynch-Staunton keeps good records, so Senator Lynch-Staunton can attest to that. If you look at the records you will find that I always supported Mr. Phillips. My correspondence with Bruce Phillips is a good testament to that fact. I found him to be highly competent, and I feel that it would be unfair for me to begin my questioning without saying that he has been a fair person, as I believe a privacy commissioner should be.

That being said, I am not concerned at all that Mr. George Radwanski, who is the government nomination, may have a Liberal past. I feel that this should not enter into our deliberations. If we are to exclude all those who devote some of their time to defending democracy, we may lose a great talent. Your political background does interest me, but it does not trouble me at all.

I have only one question for the moment, but I will reflect on what Mr. Radwanski has said today. During the full debate, I will emphasize the fact that the position of Privacy Commissioner is a sensitive one. I wish to be assured that the person who becomes the next Privacy Commissioner will be fair to all Canadians. That is essential. That is what I must agonize over before I make my decision. When I say "all Canadians" I include every Canadian.

[Translation]

I include French Canadian and Quebec nationalists, the members of the Parti Québécois or those of the Bloc Québécois. I know your views are very clear on the subject.

[English]

As a matter of fact, your views on this subject are well known to some of my peers who attended McGill with you. I was surprised. I am interested in your views, then, and I believe you have retained them throughout your life. You have a very strong view about nationalist French Canadians. That is your right, but my objection is that you will be our next Privacy Commissioner.

There is another concern of which I am sure you are well aware. I thank you for phoning me last week. The reason I did not return the call is because I did not want to have a pre-emptive strike. I wanted to come here and have a discussion with you without our having had a discussion before today. I was taught by my father to be courteous and that if someone phones me I should return the call. However, I purposely did not return the call.

Mr. Radwanski has written extensively, but there is one article that is of great concern to me because I was directly referred to by him when he was editor-in-chief of *The Toronto Star*. There is no doubt that I was torn to pieces in that article, and that was his

right, except I paid the price because I had to be protected. That was in 1983, when I showed up in Algeria for the National Palestine Council for the first time ever. Strangely, I was with a Conservative Party member, but the name of that Conservative was never mentioned — only mine.

Tomorrow I will read Mr. Radwanski's editorial for the record because he once told me he wrote it personally. I thought it was one of his juniors. However, he did great damage to me in 1983. Mr. Radwanski held very strong views then.

Coincidentally, I discussed that matter with Mr. Trudeau, who I think Mr. Radwanski knew very well. Since 1970, Mr. Trudeau always encouraged me in my views concerning the creation of a State of Palestine. As you know, we have more and more of these people in Canada.

As Privacy Commissioner, I want to be assured that Mr. Radwanski will be fair to all Canadians despite any strong views he may possess. I cannot deny a man of his competence and talent, and I do bow to that. I read almost everything available to come to these conclusions today. Mr. Radwanski is a man of great talent and competence. I do not deny that. The only difficulty I have, and I must say that it is a great difficulty, is the question of fairness to all Canadians regardless of their views on world affairs — views that he combatted vigorously when he was editor-in-chief of *The Toronto Star*.

I need to listen to all that Mr. Radwanski has to say today in order to find that out. Thus far I am not shocked by what has been said or exchanged because I know how things work. I am sure that by the end of this week you will no longer be the Interim Privacy Commissioner; most likely, unless something unbelievable happens, you will be the Privacy Commissioner.

• (1730)

If you are to be the commissioner, I want to have the confidence that I can trust you — but who cares about me? It is not I that I am concerned about. I am an old man now. I succeeded and I survived. However, I am concerned that the millions of other people who may not share your views on certain issues have confidence that when they go to see the Privacy Commissioner they can feel that they are in the right place and in the right hands.

Mr. Radwanski: You raise several points, senator, and I will try to address some of them. First, just for the record and lest it be misconstrued, I did telephone you. The reason was that I was told you had some concerns which I was given to understand you might welcome an opportunity to chat about. Thus I gave you that opportunity.

Broadly speaking, you raised my views on Quebec. You mentioned nationalism. I have views on nationalism, on federalism and on most anything you want to mention. The short answer to what you are implying is that I am a Canadian. I am a federalist, and I make no apology for that to anyone.

Senator Prud'homme: Same here.

Mr. Radwanski: That being said, I would not let my views on that issue or any other impinge on doing a given job that I am mandated to do. If people come before the Privacy Commissioner with regard to an issue in which their privacy has been violated, their ethnic origin, their religion, their race and their political beliefs do not matter. The only issue that is before the Privacy Commissioner is whether or not their privacy has been respected as it deserves to be under the laws of Canada.

I can tell you in all humility, senator, that no one to my knowledge in 30-odd years of career on one issue or another has accused me of being unfair or discriminatory to them on any matter. I pride myself on my integrity and my fairness. If that is the assurance you are looking for, senator, you have it.

With regard to the editorial to which you refer, I am afraid I will have to beg your forgiveness, because I simply do not remember it.

Senator Prud'homme: I can give you a copy.

Mr. Radwanski: I will be glad to review it, just to satisfy my own curiosity.

That being said, on general principle, I will stand by whatever I said at the time and tell you that, in any event, based on the information that was available to me at the time, and on my best judgment and my discussions with the editorial board of the paper and other people, whatever I said was what I believed to be right at the time. I can only tell you that whatever I said I said in full integrity with the discharge of my duties at that time. That is all I can undertake with regard to my current functions — I will carry them out honourably and honestly. Will I be right all the time? Not necessarily. Will I be fair? You have my word on it.

Senator Prud'homme: I just want to make a concluding remark.

[Translation]

The Chairman: We are now into the second round of questioning.

[English]

Senator Prud'homme: Keep the clock for everyone, then.

Senator Comeau: I would like to come back to Senator Milne's question regarding the 1908 census. You mentioned the fact that you supported the compromise as proposed by your predecessor. I noted that Senator Milne seemed quite happy with that compromise. I am not familiar with the compromise. Would you please explain it to us? It has to do with Bill S-15.

Mr. Radwanski: Without getting unduly technical, because it is a fairly complicated structure, the essential nature of the compromise is that the census data would be made available to qualified genealogists, or bona fide historians, for purposes that have been peer reviewed as being legitimate research. It would be made available in ways that involve basically requiring them to maintain the confidentiality of the information beyond the

specific task for which they have been permitted to access it. It is more complex than that. However, in broad outlines, it is permitting the release only for very specific and constrained purposes to individuals who also in effect have to be sworn to secrecy.

Senator Comeau: Senator Murray raises a good question: Will the proposed legislation be amended to reflect that? I would like you to answer that question.

In the process, my understanding was that back in 1908 these individuals were promised by the government of the day that this information would not be divulged to anyone in any way, shape or form. It was a promise. That is my understanding. You might wish to correct me if I am wrong, but my understanding is that it was a promise by the government that this information would be kept confidential. Now, 92 years later, we are saying "Oh, well, they are dead now, we can do whatever we want." If we can now break a 92-year old promise as a government or as parliamentarians, will it soon be 5 years or 10 years? Breaking a promise is breaking a promise. I think it should stand the test of time. I think you are suggesting that we will now live with it because it was so long ago and that the information will be handed only to a few individuals of high integrity. I do not buy that at all.

Mr. Radwanski: Senator, you raise a very good point. I think I said at the outset of my response to Senator Milne on that question that for me the fundamental issue is: Is the government keeping its word? I think that is fundamental.

That being said, we live in an imperfect world in which there are competing interests. My predecessor, having examined this issue, was originally dead set along the same lines as you and I are saying. However, he came to regard a compromise position as being far from optimal, which he made clear all the way through. However, as the word implies, it was a reasonable compromise. Certainly, given the possibility that, absent a compromise, the original position of simply releasing the stuff outright might have prevailed, a compromise in this instance might be better than risking the alternative. Am I in love with that solution? I am not — and I repeat — predominantly because of the issue of the government's having given its word.

All that being said, if it is circumscribed in the way it is described only for limited purposes and only to very limited individuals sworn to secrecy outside those narrow purposes, it is certainly better than a wide-scale release. Compared with the original contemplation, I would say it is a qualified victory for the principle of privacy. However, it is a compromise. I do not know what more I can tell you.

Senator Comeau: It is like being one-quarter pregnant. Either you keep the government's promise or you break it. In this case, we are breaking it.

Senator Milne: The government did not make a promise.

• (1740)

Senator Comeau: We will get into a debate on that later.

If my government were to come to me and say that it wanted to know something private about me which would be used along with other information but would be kept confidential, I would like to be able to provide that information in order to assist in whatever study was being done. However, if I suspected that the government would start down the slippery slope of making that information public for various reasons, I would not divulge that information. I would like to be able to give requested information with the confidence that my government would keep it private.

Mr. Radwanski: Senator, I said from the outset that I agree with your view on the principle. The whole situation is imperfect. There was a real possibility that a different course might have been taken — that is, releasing it outright in response to a very strong lobby from historians, genealogists, and so forth.

Senator Murray: The compromise will require legislation, will it not?

Mr. Radwanski: I agree with you in principle. Sometimes one must put a little water in one's wine. I would certainly take the view that a commitment made by the government should be kept in all circumstances.

Senator Comeau: I will stick to my point. If you are prepared to compromise your principles on that, so be it, but I would not support any legislation that would do such a thing.

Mr. Radwanski: I do not want to be drawn into a prolonged debate on this matter, senator, but I would not characterize it as compromising my principles. We could debate whether that is a fair way to put it, but I will simply put on the record that I do not compromise my principles. I do believe that sometimes one must look at how privacy can be most efficaciously protected given all the realities of a situation and that a privacy commissioner who detaches himself from the reality of what is going on around him would not be doing a service to the cause of privacy.

Senator Comeau: I was harsh in suggesting that you are compromising your principles. I withdraw that.

Mr. Radwanski: Thank you, senator.

Senator Tkachuk: Congratulations on your appointment as Interim Privacy Commissioner. I want to follow up on what Senator Carney was asking earlier about your views on privacy. With the concentration of power in the executive branch of government, about which the media, political people, political scientists and legal scholars are now talking, and with the lessening of the role of Parliament, do you think the Privacy Act should be extended to oversee the power of the PMO and the executive branch?

Mr. Radwanski: That is an interesting question. I would have to review the question further and let you know, but without studying it I would have thought that, because the federal government is covered by the Privacy Act, it would be subject to it. I would have thought that all parts of the Government of Canada are subject to the Privacy Act, including the Prime Minister's office. I do not believe they could violate the privacy

of individuals with impunity. Therefore, I think the answer to your question is that it should be covered, and I believe it is.

Senator Tkachuk: Including cabinet secrecy?

Mr. Radwanski: No. Cabinet secrecy is cabinet secrecy, but that is not the same as the PMO. I do not know where you are going with that particular inquiry.

Senator Tkachuk: It does not matter where I am going. I am just asking the question.

Mr. Radwanski: Do I think that the Privacy Act can override cabinet secrecy? I would need legal opinion on that, because I suspect that cabinet secrecy is a constitutional convention that no regular law can override. If you want a legal opinion on that, I can certainly have my office look into it further and provide you with it.

Senator Tkachuk: I believe that what a person thinks about privacy is important and, considering the way the act is set, it does not necessarily include individual Canadians. Therefore, I want to get into a bit of a philosophical discussion on how much privacy a person has. I was a little confused by your answer to Senator Carney when she asked for a definition, and I want to follow up on that a little bit.

What privacy does a person have in his own home?

Mr. Radwanski: Full privacy, I suppose, subject to intrusion by warrant or in the case of emergencies. If your house is on fire, I suppose the fire department can violate your privacy by breaking in to ensure you do not burn to death. Privacy is always balanced, but, normally speaking, absent a compelling social reason, you are entitled to full privacy.

Senator Tkachuk: Do newspapers have the right to photograph people in their own homes and publish the picture in the paper?

Mr. Radwanski: I would say not. I would say they have that right in public, other than in Quebec where there is legislation prohibiting publication of pictures of people taken in public without their consent, but certainly not in their own home. I would say it is not illegal, but it would certainly be actionable.

Senator Tkachuk: Including public people, like the premier of British Columbia?

Mr. Radwanski: I would say it is not a violation of law, but it could be actionable on grounds of harassment or various other things. I am not here to give you a legal opinion on that, but I would think it could be actionable by the individual who is thus treated.

Senator Tkachuk: There has been much action by governments to photograph people as they are driving and on the streets. Is it an intrusion of privacy when people are photographed in public places without their knowledge for no reason whatsoever?

When you walk into a convenience store there is a sign alerting you that there is a surveillance camera, but do you agree with the use of surveillance cameras without informing people?

Mr. Radwanski: That is a very interesting question. I have read recently that someone calculated that the average person is photographed perhaps 200 times a day — I could be wrong about the figure but it was of a strikingly huge order — in the course of going about his or her business. Is that kind of violation of privacy a potential concern? Yes, it certainly is, but again it depends on how it is used and what is done with it.

For instance, if you are filmed on a store security camera on a continuous loop that is automatically taped over every five or six hours, as some of those cameras do, it may be unpleasant but I doubt that your privacy is being violated in a particularly serious, meaningful way. If you were filmed by government cameras for purposes of traffic control, photo radar, or whatever, and the pictures were kept and cross-referenced to your identity and data-matched in some way, that would be a gross violation of privacy.

There is a whole continuum of issues around surveillance. As I said in my opening remarks, the protection of privacy is becoming, if anything, more important, more sensitive, and more difficult as we go on. In the past, it was protected in some ways largely by default because the number of means of violating it were relatively limited. The first new developments I mentioned were new means of surveillance. I went on to speak also about the new digital technologies, sciences, genetics and so forth that are more and more threats to privacy.

• (1750)

Certainly, the whole issue of surveillance is very important. One cannot make a blanket statement that there should be no surveillance cameras anywhere, because they do serve some important purposes, but the issue is how the information is used, how it is stored, if in fact it is stored, and what extraneous purposes it could be put to. These are all very important questions from a privacy point of view.

Senator Watt: I would like to put two questions. One is supplementary to that of Senator Tkachuk in regard to violating individual privacy. I am going to try to connect this to a piece of legislation that already exists today so that you can understand exactly what I am driving at.

You answered Senator Tkachuk by stating the fact that the law enforcement officer would have to have a warrant to be able to enter into a household or violate individual privacy or group rights. Do we not already have a piece of law, Bill C-68, that already authorizes law enforcement officers to go in without holding a warrant? How do you deal with that?

Mr. Radwanski: To be honest with you, I am not familiar with the piece of legislation to which you refer, senator. What is it in relation to?

Senator Watt: Gun control.

Mr. Radwanski: I am not familiar with the legislation in question. I am familiar with the gun control legislation, but I have not looked at that particular provision. My office has been doing an extensive review of the administration of gun registration and so forth, and the work has not been fully completed.

With regard to the instance you are describing, my general view on these matters, very broadly stated, is that the authorities should not intrude on individuals, whether by entering their premises or through various forms of surveillance, whether it be electronic eavesdropping, mail interception or any of those other methods, without authorization from a court, with the notable exceptions, obviously, of crimes in progress and protecting public safety in a very urgent situation.

Generally speaking, warrantless intrusion is something that should be discouraged to the maximum. I do not want to argue that there are not special instances where a case could be made for a greater public good that requires it, but as a general principle I am against warrantless intrusion, subject to there being a demonstration that there are circumstances that justify it.

Senator Watt: My other question might be a little complicated in terms of answering and capturing what it really all means when it comes down to individual privacy requirements. How do you deal with differences on cultural issues? For instance, there may be a certain sensitivity related to cultural matters that are only important to a particular group, but that does not necessarily mean that that aspect has to be shared with anyone else. How do you deal with that?

Mr. Radwanski: As you said, it is quite a general question, senator. I suppose I could only honestly answer it by saying that you have to deal with it on a case-by-case basis, depending on the nature of the issue at a given time. I think the principles of privacy are fairly constant. Can there be issues of particular sensitivity to particular groups? Of course there can. Can there be instances of particular sensitivity to an individual which might not exist otherwise? A particular type of intrusion, which might otherwise be routine, might be extraordinarily harmful for a particular individual. It is legitimate, even in that case, to say, "Well, given that, privacy needs to be respected even more than usual."

I think the answer is in how you deal with it: on a case-by-case basis and with as much sensitivity as possible.

Senator Watt: Does that apply to a group of people such as I am describing, let us say the Inuit or the Indians or the Métis? This subject matter, the way you respond, could flow back and forth between the Supreme Court of Canada and the Parliament. It is something that needs to be worked on and developed.

Mr. Radwanski: To be able to go further, you would have to give me a specific example.

Senator Watt: There are so many that I cannot begin to start identifying one now.

Mr. Radwanski: I hear you.

Senator Watt: Time would not allow me to do that.

Mr. Radwanski: I hear you. I have to stand by my answer, though, that one can only address these issues one at a time. Certainly the Privacy Commissioner is mandated to address these issues on a case-by-case basis. You really have to look at the givens and the circumstances of a particular case, determine what privacy right is being claimed, to what extent action is taking place that appears to violate that right, and then whether in fact there is a violation and/or whether a course of action can be identified and recommended that would either remove the problem or strike the best possible balance between whatever legitimate social purpose is at play and the rights of the individual. There is no sweeping declaration that I could give you, I am afraid, that would cover all those contingencies.

Senator Watt: I am very happy with your response.

Senator Forrestall: I do not want to ask about what you will do, because I know of your integrity and the work you have undertaken in this country over many years.

I want to ask you how you will go about what must be the day-to-day plodding along. Recently, we have very obviously seen a new policy adopted by the present government using the principle of lowest cost as opposed to the principle, which I had always enjoyed and thought fairly useful, of best value for the dollar invested. I want to ask you whether or not you have a view with respect to your own office, as you embark upon new adventures and a very difficult path, laneway and roadway. How do you remain consistent? Indeed, can you tell us that you will be consistent? Could you identify whether your general attitude would be to give the best value for the tax dollar being extended to you, or would you opt for this new government policy of lowest cost?

Mr. Radwanski: Senator, I am not familiar with the new policy to which you refer. All I can tell you is that my commitment is, and would be, to doing the job that needs to be done. If we do not have sufficient resources to do it properly, and I think at the moment we have been given additional resources so we should be able to do it well, but if we do not have sufficient resources, we would come back to you and to the House of Commons. I would come back and say, "Hey, to do the job we have to do, we need more resources."

If your question is whether I intend in any way to compromise on my responsibility to carry out the duties of this office, the answer is no. Obviously, one has to do it in a cost-conscious fashion and not in an extravagant or wasteful way. Certainly, the office of the Privacy Commissioner, prior to my coming, has a long history of being able to do with very scarce resources, so frugality is well ingrained. I certainly intend to do the job that needs to be done, and it is not my disposition to compromise on quality. It never has been.

The Chairman: Honourable senators, I must advise you that it is six o'clock. Is it your pleasure that I do not see the clock and that we continue? I still have two more senators on the first

round, and others may want to speak. Do you agree that I not see the clock?

Hon. Senators: Agreed.

[Translation]

• (1800)

Senator Prud'homme: Madam Chairman, could we have an indication of the number of senators who wish to speak? In return, we could say yes or no.

Personally, I am prepared to not continue the discussion. I am also prepared to pass my turn the second time around, but before deciding I would like to know how many senators want to ask questions the second time around.

The Chairman: Honourable senators, how many of you would like to have an opportunity to ask questions the second time around? I see that Senator Kinsella wishes to be heard. For the time being, I am giving the floor to Senator St. Germain.

[English]

Senator St. Germain: Thank you, Mr. Radwanski, for appearing before us. I guess it is a command performance.

Mr. Radwanski: It is a pleasure to be here.

Senator St. Germain: It is nice that we have the opportunity to scrutinize these types of positions, and hopefully Parliament will go through a reform process so that we can scrutinize a lot more of these important positions. You described yourself as educated, a lawyer.

Mr. Radwanski: I have a law degree. I have never practised law.

Senator St. Germain: You described yourself as thoughtful and intellectual, and that you have a certain amount of technological expertise that will hold you well in this position.

In light of what I see happening with technology in this country, I should like your views as to whether your position will become redundant. When I look at Bill C-68, for instance, as Senator Watt points out, the RCMP can enter and search any residence if they believe something is wrong. When someone applies for a firearm possession permit, the government literally inquires into your marriage, your common-law relationships, and anything and everything that relates to the privacy of Canadians.

Mr. Radwanski, you are sitting here today and have taken on this job. The issue of firearm permits is big in the country right now with our aboriginal peoples because it goes to the very foundation of the tools that they use for maintaining a livelihood: yet nobody says anything. All you intellectuals and all you bright people are from the epicentre of the world, as Torontonians and Montrealers describe themselves; the rest of us are just a bunch of bumpkins living out in the hinterland.

I ask you to look at the questions that are on those application forms. I filled one out. My wife, who has, bless her soul, maintained the high road in life by not getting involved in the political arena, was shocked. She could not believe that she had to sign this document. You talk about an infringement of privacy and yet you say, sir, that, at this stage of accepting this job, you are not aware of it.

In addition, this information can be tied into so many other things. As a former police officer in this country, I know what information does. Information is the lifeblood of investigations. Believe me, anything and everything that is held is maintained in police records, and the police will use anything — and often they have to — to solve crimes. Do you not think that your job is redundant because what is happening is that there is really no privacy in this country?

Mr. Radwanski: Senator, I must say parenthetically that you put so many words in my mouth that I did not say that I would take up far too much time in this chamber if I tried to clarify each one of them.

In one area pertinent to your question, I certainly did not say I was unaware of the firearms legislation — gun control legislation. I said I was not familiar in detail with the particular provision to which that senator had referred.

On the broad question of whether privacy is dead in this country, my response is: not by a long shot, senator. As I said, my distinguished predecessor very recently was successful in bringing about the dismantling of a database which would have seriously intruded on privacy.

Is there a multiplicity of challenges to privacy? Yes, indeed, and that is why this office is not redundant, but vital. Am I conscious of the many challenges that it must confront? Yes, I am, and I say that not with Toronto arrogance or the “je ne sais quoi” of a former Montrealer, but simply as incumbent in this position, subject to your further consideration. I say that it is fundamental to the protection of privacy in this country that we have a Privacy Commissioner who is active in protecting privacy.

Are there incursions on it? Of course. Are some of them justified? Perhaps, some are for sure; others are questionable; some are unacceptable. It is vital that there be ongoing focus on these issues and an ongoing effort to strike the right balance. That is why this position exists. Certainly to say that privacy is dead in this country would be a counsel of despair.

[Translation]

Senator Prud'homme: I rise on a point of order. At the beginning of the sitting, we authorized, exceptionally, the broadcasting of our debates. I agreed, but when we authorize something, it is from gavel to gavel. Now, I am being told that they have run out of film. I will not ask for the adjournment.

[English]

I am not going. Permission was granted, yes, but there is no more television. I do not mind for myself, but I will tell

honourable senators one thing: If we want complete pictures, we have to be completely televised, otherwise we will not give permission next time. Senator Corbin is usually very attentive to that.

Some Hon. Senators: Hear, hear!

Senator Prud'homme: It is not your fault.

Senator St. Germain: On the same subject, then, is there any way that we can prevent this from happening again? The situation is unfair. It is as Senator Prud'homme said. It is a question of giving consent and then all of a sudden, when we decide we do not want to hear certain witnesses, we cut the TV off. I am not saying this is the case here, but what guarantees can we have, if we do give consent, that there will be consistency from gavel to gavel, as he points out?

The Chairman: I thank both senators for raising this issue. I hope that it does not happen again.

Were you finished, Senator St. Germain?

Senator St. Germain: Correct me if I am wrong, but I understood you to say, Mr. Radwanski, in reference to one of the other questions, that sometimes you have to put a little water in our wine. I find that really scary from someone in your position, from the position that you hope to assume here. I do not think there should be any water in any wine. It should be as pure as pure can be. As much as we are committed to privacy, water and wine certainly reduce the effectiveness, I think, of your role.

If you wish to comment, that is fine. I appreciate the fact that you have allowed yourself to be subjected to this scrutiny.

Mr. Radwanski: It is useful to take this opportunity to thank honourable senators for taking the time to meet.

The Chairman: I still have one more senator on my list.

Mr. Radwanski: I am not saying goodbye; I am just referring to the senator's remark about me subjecting myself to this scrutiny. I am making the point that I appreciate very much the opportunity to do so rather than viewing it as an imposition.

• (1810)

On the senator's question about water and wine, I appreciate a good glass of wine as much as the next fellow, but I certainly prefer it without water. I am of the belief that, in these positions, one must remain in close touch with reality. One must set out to be effective. Sometimes that means compromise.

The private-sector legislation passed by this chamber specifies that among the options open to the Privacy Commissioner are conciliation and mediation. That means this chamber itself has endorsed the principle that, in some instances, for the protection of privacy, a measure of compromise is valid and appropriate.

I am certainly not the least bit shy in standing up for what I believe as a matter of principle. Those who know me can attest to that, but there are also instances where one can do more good or be more effective by not being an absolutist but by being somewhat practical in trying to reconcile competing needs and visions. Case-by-case judgment decides where to dig in and say something is wrong and where to admit that the competing interests are legitimate and that a balance must be struck.

As a general statement, I will always err on the side of privacy because that is my mandate, but I will not deny that in some instances it is better to be realistic than to be absolutist. I do not want to be King Canute, telling the sea to roll back. In some instances, we will build a dike or a bridge or whatever it takes to achieve the desired results.

Senator Lawson: I have an observation before we start on Senator Prud'homme's concern about the film. I think there is a reasonable explanation as to why they ran out of film. All the surplus film has been seized by the various political parties to make television commercials for the upcoming election.

I do not know whether I am more nervous or less nervous, Commissioner, about your saying that you have a law degree but that you do not practise. I had to retain a lawyer the other week. He was recommended by my friend Senator St. Germain, who told me ahead of time that he was high-priced. I asked the lawyer up front what he would charge, and he answered that he charged \$30 for three questions. I said, "That is a pretty high rate, is it not?" and he answered, "Yes, it is. What is your third question?" So if I appear a little nervous, that is why.

I have a question about the longitudinal labour force file. One should get a medal just for being able to pronounce that. I am one of those who requested their personal information. I was very disturbed by mine. I would not like my file to be made public, not because of all my evil deeds but because my life has been so boringly dull, according to them, for the last number of years.

When I read it more carefully, I was disturbed by several things. For the first third of the file, the vital statistics had me six years older than my real age. In the next third of the file, I was two years older. In the last third, my age was correct.

Here are two questions: How many ordinary Canadians have received benefits early — be it Old Age Security or other benefits — to which they were not entitled, because incorrect information was in their file? More important, how many ordinary Canadians have been denied benefits to which they were otherwise entitled because of incorrect information?

From a personal point of view, being made six years older, I wondered if I would be sitting here one day, thinking I had a number of years left on my term, only to have the Speaker or the Black Rod summon the Senate police to take me out of this chamber because my term had expired four or five years before.

Senator DeWare: A stranger in the house.

Senator Lawson: It may seem slightly amusing, but it is not. Such an error could be serious for many Canadians. It could

cause irreparable harm and financial damage to people who are caught in this.

I know there is talk about scrapping the file, but what assistance could be put in place to protect ordinary Canadians from suffering as a result of the incompetence of the various agencies of government who gave this incorrect information?

Mr. Radwanski: Senator, that is one reason it is very important, in our privacy legislation, to protect the right of an individual to access and to verify any file or information recorded about his or her private life.

You said you were able to access your file and that is precisely because privacy law mandates that access. The government cannot withhold that information from you. The very fact that such information can be accessed means it can thereby be corrected.

Communication and public education are truly important in the Privacy Commissioner's role. People need to be aware that a great deal of important personal information is kept in files both in the public sector and in the private sector and that they owe it to themselves to take appropriate steps from time to time to access that information and review it. Inaccurate information of any kind can be potentially harmful to individuals who do not know it exists.

Our privacy legislation should uphold the right of people to know what information is being kept about them, to review it and also to demand changes to anything that is incorrect.

Senator Lawson: I see a flaw in that. We only came to know that such a file existed within the past year. For the many years before that, we were not aware that this type of information was being gathered. What steps can we take in the face of not knowing?

Mr. Radwanski: That is a very good question.

Senator Lawson: I thought so.

Mr. Radwanski: In the face of not knowing, there is not a heck of a lot one can do. This compiled joint file came to light. Most people do not think about such matters, and it is part of our job to ensure that they do think about privacy and personal information. Most people, if they did stop to think about it, would be aware that somewhere in government there must be some information about them regarding social security, revenue and the other branches of government. Citizens have a right to contact all those branches of government and find out what information is being held on them.

Not everyone will do that, unfortunately, but part of our mandate is to ensure that people are aware that it can be important to their well-being to find out what information is being held on them and to review its accuracy.

In the face of not knowing that a particular file has been compiled, granted, that is a problem. That is why we have investigators at the Privacy Commission. That is why we have an audit function. That is why we have the capacity to bring to light the existence of files or sources of information or compilations of information that people might otherwise legitimately have no way of knowing about.

Senator Lawson: Thank you, Mr. Radwanski. I wish you success in your new role.

The Chairman: Honourable senators, this completes the first round of questions. I am ready now to accept the questions of senators on the second round.

Senator Kinsella: I have just one short question. Are you aware of Canada's international human rights obligations for respecting the right to privacy? In particular, are you aware of the provisions of article 17 of the International Covenant on Civil and Political Rights, which is a treaty obligation to protect privacy that Canada has assumed under international treaty law?

Mr. Radwanski: I am, broadly speaking, aware of them. I am also aware of the OECD guidelines to which we subscribed and also the European Community's concerns about privacy.

Senator Kinsella: During our discussions this afternoon, some honourable senators have alluded to, and you made reference to it, the fact that in today's Internet world, the invasion of privacy of Canadians may be perpetrated in extraterritorial settings.

• (1820)

Therefore, would you agree that we as a country need to be very proactive in improving the global infrastructure for protecting privacy of rights on the global level, and would you, if you are confirmed as Privacy Commissioner, be a proponent of active Canadian participation in securing, promoting and protecting privacy rights under international instruments and through international collaboration?

Mr. Radwanski: The broad answer to your question is yes, senator, subject to the caveat that I would always want to be concerned that in doing this in an international arena, we are achieving the highest standard, not agreeing to lower our own protection measures to a lower international common denominator, which is always a danger. I would not want our sovereignty to be diminished.

This was one of the issues under discussion a couple of weeks ago at a meeting in Europe of privacy commissioners and data protection commissioners from around the world. In fact, that loose grouping is now in the process of trying to become an organization that, for instance, will take positions on privacy and data protection issues of joint concern, of mutual concern around the world, and will try to act in concert to press for the highest standards. The broad answer to your question is yes, indeed.

The Chairman: Mr. Radwanski, I thank you sincerely for your time and your availability. I think you can see the importance that the senators attach to the Office of the Privacy Commissioner, and I want to wish you good luck.

Hon. Senators: Hear, hear!

Mr. Radwanski: I should like to take a moment to sincerely thank honourable senators and members of this chamber, not

only for their questions today but for their history of being good friends of privacy. I am well aware of the close relationship that my predecessor developed with this chamber, and I certainly regard the Senate as a good friend of privacy. If it is my honour and good fortune to be confirmed in this position, I would certainly want to have a very close working relationship with the Senate. I would welcome the opportunity to be of help in any way, both with this chamber and with your committees and your studies, and I would very much want the most open and collaborative relationship possible. I think you have demonstrated your commitment as a chamber to these issues, and collaboration would be most valuable. Thank you once again. This has been a great pleasure.

Hon. Senators: Hear, hear!

Senator Hays: Honourable senators, I join the Chair in thanking Mr. Radwanski and extending him best wishes.

I move at this time, seconded by Senator Louis Robichaud, that the Committee of the Whole rise and that the Chair report to the Senate that we have concluded our deliberations.

The Chairman: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

[Translation]

Hon. Shirley Maheu (The Hon. the Acting Speaker): Honourable senators, the sitting is resumed.

REPORT OF COMMITTEE OF THE WHOLE—DEBATE ADJOURNED

Hon. Rose-Marie Losier-Cool: Honourable senators, in order to welcome George Radwanski, with respect to his appointment as Privacy Commissioner, the Committee of the Whole has asked me to report that the committee has completed its proceedings.

[English]

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I move adjournment of the debate on the motion standing in my name with respect to the confirmation of Mr. Radwanski as Privacy Commissioner.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, given that the honourable Deputy Leader of the Government has spoken to that motion, I would be happy to move the adjournment.

Senator Hays: I thank the honourable senator for his helpfulness, as usual.

On motion of Senator Kinsella, debate adjourned.

The Senate adjourned until tomorrow at 2 p.m.

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OFFICIAL REPORT
(HANSARD)

Tuesday, October 17, 2000

THE HONOURABLE GILDAS L. MOLGAT
SPEAKER



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THE SENATE

Tuesday, October 17, 2000

The Senate met at 2 p.m., the Speaker in the Chair.

Prayers.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, before I call for Senators' Statements, I wish to draw your attention to a distinguished visitor in our gallery. It is Lord Russell-Johnston, who is the President of the Assembly of the Council of Europe.

President Russell-Johnston, we are delighted to receive you here in the Senate of Canada and wish you a very good visit in our country. Hopefully, there will be a return visit before too long.

[Translation]

SENATORS' STATEMENTS

THE LATE HONOURABLE JACQUES FLYNN, P.C., Q.C., O.C.

TRIBUTES

Hon. Roch Bolduc: Honourable senators, I was out of the country when tributes were paid to the late Honourable Jacques Flynn. I will pay my tribute now, with your permission, for he was the leader of the Conservative senators from Quebec from 1988 to 1990.

After each national caucus, at noon on Wednesdays, it was our wont to meet here in his office on the third floor. Over an aperitif, we would discuss political events, hot issues and the bills before the Senate. He was a wise man, skilled in procedure, full of humour, although this was sometimes hidden under a rather aggressive exterior when dealing with the senators on the other side who were not lacking in theatricality, like Senator Frith, or political savvy, like Senator MacEachen.

At the time, this chamber had a goodly number of corporate lawyers — we still have some, but they were more numerous at that time — and of highly experienced politicians like Senators Everett, Roblin and Hicks. As a newcomer, I settled for sitting back and observing, assimilating the various issues, and learning the ropes.

Senator Flynn had a remarkable legal mind, which he put at the service of his party, of the Senate and of his law practice in

Quebec City. He was a staunch party loyalist who served his country well. My sincere condolences to his wife, Renée, and to his children.

[English]

SEVENTY-FIRST ANNIVERSARY OF PERSONS CASE

COMMEMORATIVE INTER-FAITH CEREMONY

Hon. Lois M. Wilson: Honourable senators, tonight, on the eve of the seventy-first anniversary of the Persons Case recognizing women as persons in Canada, we will celebrate with an interfaith ceremony. The service, to be held at Christ Church Anglican Cathedral, will feature readings from six Canadian faith communities: Muslim, Hindu, Jewish, Christian, Baha'i and Aboriginal. The six different languages to be used appropriately reflect the multi-ethnic and multi-faith nature of our country. Women from these six faith communities celebrate together both a historic event and a splendid future together as they contribute the very best of their faith traditions to our common life.

• (1410)

NATIONAL DEFENCE

COMMENTS BY AIR FORCE OFFICERS WITH REGARD TO COMPETITION TO REPLACE SEA KING HELICOPTERS

Hon. J. Michael Forrestall: Honourable senators, I should like to place on the record a couple of paragraphs of an exchange that occurred between Major Richard Bouchard, Staff Officer, 1st Canadian Air Division, Comox, B.C., and his boss, Major-General L.C. Campbell. Apparently, Major-General Campbell, who had been out West and had a conference with Major Bouchard, invited further questions, which were later e-mailed. Major Bouchard wrote:

Assuming that there will be a competition to select the new maritime Helicopter (MH), it is quite possible that the Cormorant might win it, mainly because the other prime contenders have serious shortcomings. The Sikorsky S-92 is still in development and has not even flown yet and Eurocopter's Cougar II still has the same ship comparability design problems that resulted in its elimination the last time around. Also, after attending the Eurocopter's Cougar MKIII briefing last September, their proposal is, at this time, still a paper helicopter.

The specific questions were as follows:

Even though the Cormorant (EH-101) is politically unacceptable ("political suicide" as you said), how do you ensure that it does not win a MH competition?

If the Cormorant were to win a MH competition on its merits, wouldn't we again be in the same position of being accused of tricking the government?

Do you think that the political unacceptability of the Cormorant will mean that a MH competition will have to be ruled out (i.e. Directed Purchased)? Or, do you think that the Cabinet would just opt to select second-place finisher if the Cormorant were to be winner of a competition?

If it would be unthinkable for the Air Force to recommend that our Sea Kings be replaced by Cormorants — even though the latter might come out on top in a competition, what is being done to lower the sights of the MH community with respect to the idea....

THE LATE TOM WELLS

TRIBUTE

Hon. Norman K. Atkins: Honourable senators, I wish to pay tribute to a truly great servant of the people of Ontario, the Honourable Tom Wells.

Last Wednesday, Tom passed away as he lived, surrounded by his family. His life will be celebrated at Timothy Eaton Memorial Church in Toronto this Thursday, October 19, at 11 a.m. The eulogy will be given by the Honourable William G. Davis.

His was no ordinary life. Tom served as MPP for the riding of Scarborough North from 1963 to 1985. He was a member of cabinet in both the Robarts and the Davis governments, and from 1985 to 1992 he was Ontario's agent-general in London, England.

However, it was as a member of the Government of Ontario that I knew him best. During his early years in the legislature he was appointed to the select committee on youth, which demonstrated that the government had a role to play in addressing the needs of young people. This served him well during his time as minister of education from 1972 to 1978, where he was able to bring about great changes in the Ontario school system, making Ontario a leader in education.

It was as Bill Davis' minister of intergovernmental affairs from 1978 to 1985 that he responded to a wider vision of Canada — a vision that allowed parochial sentiments to be transformed into a view of what Canada needed. It also allowed Ontario to take the lead, along with New Brunswick, in supporting patriation of the Constitution and the adoption of the Charter of Rights and Freedoms.

His qualities of decency, loyalty and commitment to his leader, no matter how difficult the situation, were the ones that I most admired. Above all, of course, he was a great Canadian patriot. This served him well in London, England, as Ontario's agent-general. This was also demonstrated when, as the minister of education, he allowed Ontario school children to watch the 1972 Canada-Russian Hockey Summit series on television.

Honourable senators, Tom Wells was a really good friend and will be truly missed. I extend my condolences to his wife, Audrey, and all the members of his family.

HEALTH CARE SYSTEM

Hon. Betty Kennedy: Honourable senators, like most Canadians, I welcomed the agreement our Prime Minister was able to accomplish with the provinces concerning the large infusion of federal funds into our national health care system. I congratulate him most sincerely. However, it would be naive to assume that this is a happy ending to all health care problems.

Many Canadians share the concern that our health care system is at risk and, indeed, under attack from those who do not share the philosophy on which the Canada Health Act is based. That act, passed by Parliament in 1984, reaffirmed the federal government's commitment to a universal, accessible, comprehensive, portable, and publicly administered health insurance system. It provided the conditions and criteria that provincial insurance plans must meet to get full transfers.

It came about in the 1980s precisely because of concerns that extra billing by doctors and user fees levied by hospitals were creating a two-tiered system that threatened the accessibility of health care. The act provides for an automatic dollar-for-dollar penalty if any province permits such charges for insured health services.

The Canada Health Act guarantees to all of us the health care that we need, and the federal government is the watchdog — the defender, if you like — of that act. It is the act that some would now have rewritten and some would like removed from federal to provincial jurisdiction. That should set alarm bells ringing for every Canadian.

The calls for a two-tiered system have not gone away. We are told by some that we cannot afford our universal system, and yet Canadian medicare costs just over 9 per cent of our gross domestic product to insure 100 per cent of Canadians. It costs the U.S. anywhere from 13 per cent to 14.2 per cent for their system, which leaves 43 million Americans with no coverage, and many more millions underinsured as witnessed by the 28 per cent of personal bankruptcies directly attributable to personal medical bills. On this basis, our system is a bargain.

While our system is not without problems, the scare stories we read of a system in crisis deserve careful scrutiny. In 1997-98, 3 million Canadians had hospital stays, and 5.3 million Canadians reported having used emergency health services at least once during the previous year. How could a system in crisis cope with those numbers?

Honourable senators, we must be vigilant about our health care. We need to look closely and to examine with great care suggestions that we are in crisis and that private for-profit care and a so-called reform of the Canada Health Act is the answer. Where do these suggestions come from and who would benefit? Every evidence suggests it would not be the patient.

I believe we should make it very clear that our health care system is not for sale. We should resist every attempt to erode what we have, which is a truly remarkable system, even with its flaws.

I am encouraged by the diligent work of the Social Affairs Committee, under its chairman, Senator Michael Kirby, on the future of health care, and I hope that the committee continues in the future.

RECENT VIOLENCE IN THE MIDDLE EAST

Hon. Jeremiah S. Grafstein: Honourable senators, who in this chamber can fail to regret the recent spiral of violence in the Middle East? What is the lesson? Violence begets violence. The precious gift of life becomes death.

Let us start at the beginning. In the beginning was the word. Words can heal or kill; so can television pictures. Psalm 34, verses 13 and 14, reflects the early principles of civil discourse:

Who is the man that desires life and loves days that he may see the good? Guard your tongue from evil and your lips from speaking deceit.

So the Psalmist admonishes us.

This biblical enjoinder remains at the heart of perfecting conditions for fostering a good life in a civil society. Regretfully, the meaning of words and pictures spoken, written and broadcast lie near, if not at the core of the current unrest.

Mr. Trudeau once said that television was an electronic cannon. The truth of that insight was displayed by the acts of violence that always seemed to ignite and become enflamed in front of television cameras.

• (1420)

However, honourable senators, we are where we are. Earlier today we learned that a ceasefire has been agreed to in the Middle East. All agree that violence must cease. All agree that a path back to dialogue must be found. All agree that lives must be removed from danger. The return to the pathway of dialogue and discourse, made more rocky by recent events, remains a precondition to any achievable peace accord. Peace can never occur if neighbours cannot talk to each other and all levels of society cannot learn to live beside each other and at least trust each other. Unless and until that occurs, the neighbourhood will remain a deadly and dangerous place.

Honourable senators, I wish to draw your attention to regretful occurrences in Canada, triggered in part by the passions in the Middle East. In the last few weeks, the exterior of several synagogues and one Arab centre in Toronto have been defaced. We learned yesterday that a Jewish cemetery in Montreal was desecrated. These acts are deplorable and simply unacceptable to all Canadians. Just as dialogue is the only way to peace in the Middle East, so dialogue is the Canadian way of resolving divisions of viewpoints from afar.

I hope all honourable senators will join me in disavowing the actions of aberrant residents of Canada or Canadian citizens that are unacceptable and obscene to the Canadian way of life.

In the Middle East, one thing is clear: No one will move out of that ancient neighbourhood. Whether they like it or not, everyone will be living together, side by side, in perpetuity. Neighbours do not have to love each other; neighbours must learn to respect each other. Only when calm returns can neighbours start again to learn to be good neighbours. That fragile hope remains a seemingly elusive, if only realistic, goal for the Middle East and for the civilized world.

CHILD CARE

Hon. Mira Spivak: Honourable senators, the emphasis by the governing party on initiatives for children prompts me to comment on the child care issue.

Recently, a \$972,000 study was funded by Human Resources Development Canada. It reported that most licensed child care centres in Canada provide mediocre care. They offer a safe place for working parents to leave their children, but they fail to stimulate healthy growth and learning. Only one-third of the programs encourage children's social, language and thinking skills. This is the largest study ever to investigate the quality of child care in our country. However, many studies have come before it.

Last May, another major report showed that in the past decade Canada has made little progress on child care. Before that, another excellent report by Dr. Fraser Mustard and Margaret McCain, and a study by two University of Toronto economists, estimated that every dollar invested in high-quality early child care yields a \$2 dividend for society as a whole. Virtually every major study has come to similar conclusions. Canadian children are not receiving the quality care they require and to achieve it means governments must increase funding.

More than a dozen years ago, we looked into the matter through the Special Committee on Child Care here in the Senate. We then received the Mulroney government's response. Some 13 years ago, the federal government was prepared to commit in the order of \$5.4 billion over a seven-year period. Up to \$3 billion was for a new federal-provincial cost-sharing arrangement; \$100 million was for special initiatives; and \$2.3 billion was to enhance tax assistance. It is interesting not to forget that this was where we were at one point.

In view of the union on social services agreement, I would hope that we would not merely leave it up to the provinces to determine standards and funding for child care but that the federal government would take its traditional role as leader.

QUESTION PERIOD

NATIONAL DEFENCE

REPLACEMENT OF SEA KING HELICOPTERS— VIABILITY OF EUROCOPTER COUGAR MK II

Hon. J. Michael Forrestall: Honourable senators, I am pleased to see the minister back in his seat this afternoon. Yesterday, I did not know whether he had quit and returned home or whether he was going to run federally and suddenly realized that he had another week to go and had to be reinstated.

Senator Kinsella: What riding? You must know that.

Senator Forrestall: Yes, I do. He will see me every morning at the Shearwater gate.

Pardon me, Your Honour.

Senator Kinsella: How many years were you a member of Parliament?

Senator Forrestall: Almost 24. That is eight consecutive victories.

I was unable to finish my statement earlier because I noticed the Speaker eyeing me. However, I wanted to say that Major Richard Bouchard, the staff officer from whom I was quoting, said at the end of his questions:

From my perspective, the MH rank and file is not currently expecting the air force to accept a downgrade that would be the fixed-wing equivalent of going from an F-5E to a brand new, state of the art, armed Cessna 185.

Honourable senators, this is probably the last chance we will have to hear the government indicate that it is prepared to review its call. It is an extremely important issue, as are the principles that are involved — if not for the aircraft, then for the men and women who must fly and man them. As I have said on a number of occasions, it is my belief that the contract is directed. If one listens to questions like those coming from the air side itself, it is not hard to understand how one would come to that conclusion. The aircraft that the government intends on directing the contract to, namely, the Cougar MK II, has just been eliminated from a four-nation Scandinavian program to purchase maritime helicopters for their navies. Denmark, Finland, Norway and Sweden have said no. Eurocopter's Cougar MK II-III cannot make it in the North Sea. That is a similar locale to our North Atlantic.

Can the minister tell us why the government would consider the Cougar as a suitable aircraft for our navy when it is clearly not suitable for four Western navies flying in approximately the same conditions?

Hon. J. Bernard Boudreau (Leader of the Government and Minister of State (Atlantic Canada Opportunities Agency)): First, I wish to tell the honourable senator that not in my wildest ambitions would I ever anticipate serving as long in any constituency as he served the good people of Dartmouth in the past.

Senator Kinsella: Yes, and with great distinction!

Senator Boudreau: I would not for a moment suggest that I would ever attempt to break that record of longevity.

With respect to the specific question, as most honourable senators know, the government has launched a process to acquire the appropriate new helicopter to service the needs as determined by the professionals in the Armed Forces. In fact, that process is ongoing.

There is a suggestion by the honourable senator, either directly or by reference, that somehow a particular helicopter is being eliminated for political reasons.

• (1430)

E.H. Industries, the manufacturer of Cormorant, has filed an intervention with the Canadian International Trade Tribunal. If they have some objection to the process, if they feel it is not fair, that is precisely the forum where they should air that objection.

From the government's point of view, there is no favoured candidate. There is no political bias against any one of the potential candidates that may come forward. If anyone feels aggrieved, as this company apparently does, the opportunity and the mechanism exist to seek an appropriate redress. I understand that one company is taking that opportunity.

Senator Forrestall: Honourable senators, the leader has not told us anything. He has not said anything. I asked him why. Why would the government do it? Was it because Herb Gray, that distinguished Canadian, chaired the ad hoc committee that made the decision and worked on the process? Does the government think we are idiots? Come on. These are men and women you are talking about who have to get into airplanes and fly them.

Four major northern countries have said no to the Eurocopter because it is not safe. It is like going from an F-5 to a Cessna 185.

Why has the government done this? Was it to get the money for the Daimler plant in Windsor? Is that what it was for, to get that \$1.5 billion? Was that part of the pay-off? Was it?

I wonder what Minister of Industry Tobin will do with that. Thank God it was not George Baker or it would be back in Newfoundland right now, although there it might do some good.

If Daimler and the French government and the present government of this country have seen fit to subject Canadian Armed Forces to lesser equipment than they deserve for the sake of an upgraded truck plant in Windsor, Ontario, then I think it is time for a change in the next election.

Some Hon. Senators: Hear, hear!

Senator Boudreau: The honourable senator will have plenty of opportunity to make that speech during the course of a campaign, should an election be called, because it is just that — an election speech. The honourable senator's assumptions are without basis.

We are going through an open process which is designed to access the best military expertise. In fact, no company, for political reasons or otherwise, has been categorically eliminated.

Apparently one company does have some objections. This competition involves a lot of money and all of the losers will have objections. If some company has objections about the process, there is a procedure in place to deal with those objections. The Cormorant has launched an intervention in that process and it will be dealt with precisely as it should be.

Senator Forrestall: Honourable senators, I could quite easily take umbrage at the suggestion that my comments made from my seat in the Senate of Canada are without basis. I am inclined to ask for an apology, if not for myself, at least for the rank and file of the maritime helicopter component.

Obviously the Leader of the Government did not hear me. If it would be unthinkable for the air force to recommend that our Sea Kings be replaced by Cormorants, even though the latter might come out on top in the competition, what is being done to lower the sights of the maritime helicopter community with respect to the idea that they may have to be content with a Sea King replacement that is, at least with regard to the airframe, less capable than the Sea King? That is from my perspective.

He went on to suggest that the Eurocopter is not safe. Now we have four Scandinavian countries rejecting it as a contestant to replace equipment in Denmark, Finland, Norway and Sweden.

Is that claim without basis? Am I to say that the chief of the air force is not a reliable, dependable source? Is that what the honourable senator is suggesting? Is he calling me some kind of liar? If so, I do not particularly cater to that very fondly.

Senator Boudreau: Let me be very clear with the honourable senator. There is a legitimate process underway. A competition is now occurring. If anyone objects to the competition, they have recourse to have it examined and to have remedial action taken.

I thought the honourable senator was suggesting that some kind of a deal was being negotiated with a plant going somewhere and a particular company being awarded preference because of that. If that is the case, I have no evidence of it. We will hold the competition and pick the right helicopter to meet the needs of the Canadian Armed Forces as determined by the

experts, not by me. I only know that we will follow that legitimate and transparent process.

Senator Forrestall: I would be slow to defend that nonsense.

[Translation]

FOREIGN AFFAIRS

SUMMIT OF THE AMERICAS CONFERENCE 2000-2001— INVITATION TO THE PRESIDENT OF CUBA

Hon. Marcel Prud'homme: Honourable senators, I do not know whether to congratulate the minister on his promotion today or to extend my sympathies to him on the return of Mr. Tobin.

That said, I would like to return to a question I have already asked. I have received an answer, which I mentioned to your honourable neighbour, saying that it was totally unacceptable. He promised me that, at the first opportunity, I could question you about it again, and so that is what I am doing today.

In the meantime, the funeral service was held for the Right Honourable Pierre Elliott Trudeau and the people of Canada could see how immensely popular Mr. Castro is — and I do not know about in Canada, but certainly in Quebec.

I asked and I insist — I will continue very quickly — on asking the government to show some initiative by inviting Mr. Castro to observe at this conference, even though Cuba is not a member of the Organization of American States and he cannot therefore be invited to the Summit of the Americas.

I repeat that I will, in the coming months, keep this debate alive in Quebec, because I think it would be unacceptable in our current spirit of rapprochement, for peace worldwide, not to be able to invite Mr. Castro, at least as observer, since the power issuing the invitation is Canada and it is up to Canada to establish the list of invitations.

Has the minister had time, despite his many activities, to deliver this message to the Prime Minister, the Minister of Foreign Affairs and cabinet? If not, he still has a few days to do so, since it is very important, it is a new symbol of rapprochement between Canada and Cuba.

[English]

Remember that Canada is the only country besides Mexico that never broke its relationship with Castro's regime, or with Cuba, if you prefer.

Hon. J. Bernard Boudreau (Leader of the Government and Minister of State (Atlantic Canada Opportunities Agency)): As the honourable senator referenced in his last comment, over the years, Canada has played a leading role in pursuing a policy of contact as a way to encourage the evolution of the Cuban regime to where it permits the type of freedom that we all hope will be forthcoming in that country.

• (1440)

With respect to the specific question regarding the invitation to the Summit of the Americas, my previous information, which I received after having had the matter raised, was that it is an assembly that is driven generally by consensus among the members. The consensus was that Cuba should not be invited to this summit. In fact, the Government of Canada was following and supporting that consensus.

I might add that as of earlier this morning, as the honourable senator knows, we have a new Minister of Foreign Affairs. I will raise the issue with him as a result of the senator's intervention and determine if his view differs from that of the previous minister.

Senator Prud'homme: Honourable senators, very briefly, because I believe Question Period is not time for speeches, I am quite aware of this consensus, but that was yesterday's debate.

I am asking the Leader of the Government to ask the minister, as I will, to exercise Canada's leadership. There may be a consensus on things that happened in the past, but I would hope that Canada, being the host, will exercise some leadership and try to impress on the other countries the idea that the time has come to invite Cuba to the conference, perhaps not as a full member but at least as an observer.

Senator Boudreau: Honourable senators, I would not wish the senator to conclude from my response that, in fact, efforts on an ongoing basis are not made by Canada to move consensus along in various areas and in various directions. In many ways, Canada has been a leader in building consensus on a number of issues. The consensus I referred to is the current consensus of the members. However, as I have said already, I will raise it with the new minister and convey the remarks by the honourable senator.

Senator Prud'homme: On a personal note, I wish you good luck in the next election.

THE SENATE

VIEWS OF LEADER OF THE GOVERNMENT ON REFORM

Hon. David Tkachuk: Given the impending election and the Leader of the Government's intention to run for the government in the riding of Dartmouth, and given his unique perspective as Leader of the Government in this chamber, what are the views of the Leader of the Government, if any, on reform of the Senate?

Hon. J. Bernard Boudreau (Leader of the Government and Minister of State (Atlantic Canada Opportunities Agency)): That is a very important issue, honourable senators, and one where I believe a leadership position should be taken by those senators who are already sitting in this very important institution. It would be presumptuous of me to do so, not only because, perhaps, I will soon leave the institution but also because I have

only been here for a relatively short period of time. I am interested in discussing that issue at great length with colleagues on both sides and benefiting from the long service and wisdom of senators whose opinions would be far more valuable than mine.

Senator Tkachuk: Honourable senators, I suppose the leader is saying that he has no view on reform of the Senate just in case he loses and wishes to be reappointed.

BRITISH COLUMBIA— POSSIBILITY OF INCREASE IN REPRESENTATION

Hon. David Tkachuk: Honourable senators, there was much criticism of the clarity bill because British Columbia was exempted as a region of Canada, and then included by the Government of Canada and supported as a region. Does the Leader of the Government support the notion that British Columbia have a representation of 24 senators and thereby become a full region of Canada?

Hon. J. Bernard Boudreau (Leader of the Government and Minister of State (Atlantic Canada Opportunities Agency)): First, honourable senators, I stand to be corrected, but I do not know that there has ever been anyone who has resigned from the Senate and then been reappointed.

Senator Lynch-Staunton: Yes.

Senator Boudreau: There has been? That will be very interesting. I receive that news with some interest. My impression was otherwise.

Again, I hesitate to launch into an area where I would benefit very much from the advice and wisdom of senators much more experienced and learned than myself. In advance of that kind of discussion, I would be reluctant to stake a position on any issue of reform of the Senate without having the benefit of that wisdom.

ATLANTIC CANADA OPPORTUNITIES AGENCY

SYDNEY, NOVA SCOTIA—POSSIBILITY OF RENEWAL OF CANADA BUSINESS CENTRE BUILDING LEASE

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I wonder whether the new minister responsible for ACOA could advise this house whether or not he supports maintaining the ACOA leased space in the Canada Business Centre in Sydney, Nova Scotia.

Hon. J. Bernard Boudreau (Leader of the Government and Minister of State (Atlantic Canada Opportunities Agency)): Honourable senators, I understand, from a brief discussion with members of the agency, that that lease expires sometime in 2001 and that it is not the intention of the agency to renew that lease, and I support that decision.

Senator Kinsella: Therefore, honourable senators, the minister is supporting that decision notwithstanding today's Auditor General's report that states that that space was leased at an excessive cost and that it was never operated as intended? In the Auditor General's opinion, Public Works Canada and ACOA did not ensure that the acquisition of the space in Sydney represented value for money and did not conduct the process in a transparent manner. Is the minister supporting that decision?

It was also revealed by the Auditor General's report today that the ministerial letterhead was used inappropriately by a senior departmental employee assigned to the minister's office to convey information that was the basis for proceeding with direct negotiation for the building itself. Would the minister change that practice, at least?

Senator Boudreau: I think either I misstated my position or the honourable senator misheard me. I said that the lease expires sometime in 2001, and when it expires it will not be renewed. I support that position. It will not be renewed.

The Auditor General has drawn our attention to a situation. I have not had an opportunity to review the details of that file. I have asked that that be done immediately, and perhaps I will have a chance to do so in the next 24 hours, but I have not had an opportunity to read the Auditor General's report. I am familiar, as the senator might suspect, with the site itself, having spent a lot of time in Sydney over the years. It is a very good facility that serves the public well. However, as to the specific items addressed by the Auditor General, I would need an opportunity to read those in detail and discuss them with members of the agency.

Senator Kinsella: It will be a nice place to practice law.

THE SENATE

BRITISH COLUMBIA— POSSIBILITY OF INCREASE IN REPRESENTATION

Hon. Pat Carney: I was wondering if Senator Tkachuk would clarify his view that each region receive 24 senators.

Hon. David Tkachuk: I want 24 in the Prairies as well.

The Hon. the Speaker: I am sorry, but you cannot address questions to honourable senators.

Senator Carney: Can I ask him as deputy chairman of the Banking Committee?

The Hon. the Speaker: No, it must be the chairperson of the committee.

• (1450)

Senator Carney: Honourable senators, I will ask the Leader of the Government in the Senate a serious question. Before I ask my question, though, I wish to congratulate him on his

appointment and wish him luck in any forthcoming election in which he chooses to run for a seat in the Maritimes.

One of the issues that affects us as British Columbians — and there are other B.C. senators in the chamber — is the fact that the representation of British Columbia in the Senate is not equal to the representation of other regions. This is difficult for the people of British Columbia because they do not have access to the same kind of parliamentary support as other regions. Is the Leader of the Government in the Senate aware of this problem and does he have any views on the present situation? Can he do anything at the cabinet level to assist a change in this situation?

Hon. J. Bernard Boudreau (Leader of the Government and Minister of State (Atlantic Canada Opportunities Agency)): Honourable senators, one would presume that any change to Senate representation would require a constitutional amendment. I am familiar with the arguments — at least in a general form over the years — that some areas are not represented as well as others in the Senate. The honourable senator refers to British Columbia. Part of the original idea of representation in the Senate, as opposed to the House of Commons, was that it not be on a per-capita basis or related directly to the population.

Honourable senators, this issue is very interesting and one that obviously must be addressed as we move forward and discuss reform of the Senate. There are competing interests. On the one hand, there is the view that the honourable senator expresses, which is that certain areas with large populations are not as well represented as other areas in the country. On the other hand, there is the traditional role of the Senate of bringing forth the interests of the regions in a way that perhaps the House of Commons cannot because of its proportionate representation link to the size of the population.

HUMAN RESOURCES DEVELOPMENT

AUDITOR GENERAL'S REPORT— MISMANAGEMENT OF JOB CREATION PROGRAMS

Hon. W. David Angus: Honourable senators will no doubt recall that, during February and March of this year, we addressed a number of questions to the Leader of the Government in the Senate on the subject referred to variously in the media as the "scandal at HRDC," the "shovelgate affair," and the "woeful tale of gross mismanagement of public funds." With some direction from His Honour, we agreed to continue to pose these questions in a nice way. Therefore, I thought I would ask a question of the leader as nicely as I can, in light of the Auditor General's report of today and in light of his previous answers that all is well and that the grants under the Transitional Jobs Fund and the Canada Jobs Fund were not mismanaged and were properly given out.

Honourable senators, I refer to Chapter 11 of the Auditor General's report. In all fairness, I think it does justify the questions I asked, and perhaps not so much the answers that were given.

First, Chapter 11.196 states:

In almost all projects (92 percent in TJF and 86 percent in CJF), payments were not handled properly. The deficiencies we found included one or more of the following:

- payments made for ineligible expenses (\$450,000 in the 74 TJF projects that we sampled);
- payments made for expenses incurred outside the funding period specified in the agreement (\$9.5 million in the 74 TJF projects, and \$755,000 in the 36 CJF projects that we sampled);
- payments made without review of adequate supporting information;
- payments made to a party other than the recipient specified in the agreement;
- payments that did not respect the terms and conditions of the agreement (for example, contributions paid for salaries in the expectation that the jobs would be created after the project closed); and
- payments approved without proper authority.

In the spirit of being nice, is the minister now prepared to acknowledge that there was a terrible mismanagement of public funds and prepared to apologize on behalf of the government — I used another word before, but I will not use it at this time — for, let us say, his disingenuous answers of the direct questions that I posed in this chamber?

Hon. J. Bernard Boudreau (Leader of the Government and Minister of State (Atlantic Canada Opportunities Agency)): Honourable senators, I must say to the Honourable Senator Angus that he has obviously received a copy of the report. I have not yet had a chance to read it. I believe it will be tabled here tomorrow.

Honourable senators, I look forward to having the opportunity to read the report and respond in detail. However, I must say that there was clearly a recognition by the minister, the Honourable Jane Stewart, that remedial action needed to be taken. As a matter of fact, she did institute a plan of action to deal with those deficiencies. The minister put that plan in place. I cannot recall specifically its details at the moment, but I am sure I could retrieve those very easily. I am told that in the report, that remedial plan was given the Auditor General's blessing. The Auditor General said that, in fact, it effectively addresses the deficiencies. The minister is to be congratulated for putting such a plan in place. She obviously recognized the fact that there were deficiencies to be dealt with.

Senator Angus: Honourable senators, perhaps I should preface this question by reiterating Senator Forrestall's congratulations to the Leader of the Government in the Senate on his new responsibilities as Minister of State, and I wish him well in fulfilling those functions. I understand from some of my colleagues from Atlantic Canada that these responsibilities largely will involve giving public funds to deserving citizens in this important part of our nation.

The Auditor General has stated that there was a terrible situation that required extraordinary efforts to remedy. The minister has stated that the department needs to make today's extraordinary efforts tomorrow's routine and fundamentally change its day-to-day approach to the delivery of grants and contributions. Can the honourable minister assure this house that he will make those extraordinary new practices the routine when fulfilling his new function at ACOA?

Senator Boudreau: I would say to the honourable senator that I am glad he gives me this opportunity. As a minister responsible for a department in other jurisdictions, I faced Auditors General reports in the past and I have always taken them very seriously. I will take this one very seriously as well, both with the reference it makes to any file or practice within ACOA and to any general comments it makes with respect to financial management. I intend to review the Auditor General's report very specifically with my officials and ensure that we do implement the recommendations.

Senator Kinsella: Good answer.

ROUTINE PROCEEDINGS

WESTERN CANADA TELEPHONE COMPANY

MESSAGE FROM COMMONS

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons returning Bill S-26, to incorporate the Western Canada Telephone Company, and acquainting the Senate that they have passed the bill without amendment.

ABORIGINAL PEOPLES

COMMITTEE AUTHORIZED TO MEET
DURING SITTING OF THE SENATE

Leave having been given to revert to Notices of Motions:

Hon. Thelma J. Chalifoux: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(a), I move:

That the Standing Senate Committee on Aboriginal Peoples have the power to sit at 4:30 p.m. today, Tuesday, October 17, 2000, even though the Senate may then be sitting, and that Rule 95(4) be suspended in relation thereto.

The Hon. the Speaker: Is leave granted, honourable senators?

• (1500)

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, this side will grant that leave, recognizing that there was a technical difficulty in the committee this morning and they were unable to teleconference with witnesses in the North, an extraordinary circumstance beyond the committee's control.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

ORDERS OF THE DAY

BILL TO AMEND THE STATUTE LAW IN RELATION TO VETERANS' BENEFITS

SECOND READING

Hon. Jack Wiebe moved the second reading of Bill C-41, to amend the statute law in relation to veterans' benefits.

He said: Honourable senators, I rise to speak at second reading stage of Bill C-41. I am very proud to support legislation that will benefit the men and women who, more than 55 years ago, stood up to be counted in the defence of values that Canadians still hold very close to their hearts: a free society, a peaceful society, and a democratic society.

Honourable senators will recall that upon introducing Bill C-41 in Parliament the Minister of Veterans Affairs pledged to veterans' organizations his best efforts to ensure that the bill would receive speedy passage. Our colleagues in the other place proceeded expeditiously. It is now incumbent upon us to ensure that this bill is approved and receives Royal Assent without further delay so that the deserving recipients might enjoy the benefits to which they are certainly entitled.

Bill C-41 extends benefits to civilian groups who served overseas in support of the war effort. They include members of the Canadian Red Cross, St. John Ambulance, Canadian Fire Fighters, pilots who ferried aircraft over the Atlantic, and the Newfoundland Overseas Forestry Group.

The improvements sought through the passage of this legislation and related regulatory changes will respond to the needs of the veterans of these various civilian units by providing them with expanded access to disability pensions, income support programs, and additional health care benefits, including services provided under the Veterans Independence Program.

It is only appropriate that we extend Veterans Affairs benefits to these groups that supported the war efforts overseas and who, like their military counterparts, served their nation and the Allied cause with determination and dedication. Passage of Bill C-41 will give them broader and easier access to disability and survivor pension benefits. In some cases, Bill C-41 will fix old inequities and improve current benefits and protection, as well as remove some of the irritants that have been brought to our attention over the years. As a result of these proposed changes, veterans, as well as these civilians who served overseas, will feel

more secure that their benefits will continue unimpeded by bureaucratic rules and regulations.

This, honourable senators, is only part of the story. Bill C-41 also addresses the needs of our current serving members of the Canadian Forces. Veterans Affairs is acting in concert with DND to take a more comprehensive approach to dealing with injured or disabled clients. Whenever Veteran Affairs can act to improve access to veterans' benefits without changes to the legislation, it does so. However, there is a need for legislation to provide a level playing field for all members of the Armed Forces, whether they serve here at home or abroad. This bill will fill that gap by giving all Canadian Forces members equal access to disability pensions and related health care benefits, regardless of whether their injury occurred in a special duty area or in Canada.

Veteran Affairs derives a great deal of pride from its client-centred service delivery. This type of service means that the client is number one. It also means both cutting red tape and communicating in plain language. It means ensuring that our veterans and all other clients who require our services never feel that they have knocked on the wrong door when looking for help. Bill C-41 has provisions to ensure that this type of front-line service continues unimpeded. The provisions have been carefully worded in order to balance service for an increasing aging clientele with their privacy rights.

The list of additional measures that flow from Bill C-41 includes permitting veteran disability pensioners who are married to or living common law with each other to both receive the married rate. Bill C-41 extends the remission authority to all types of overpayments of veterans' benefits, while improving the ability to collect without causing hardship. Bill C-41 provides for a one-year continuation of a deceased veteran's pension to the guardian of the veteran's surviving children, and it reformulates the provisions governing the assessment of outside disability benefits, such as dealing with workers' compensation or court-awarded damages for personal injuries.

These are only a few of the many changes brought about by Bill C-41. These changes are important to those who will benefit from them. It is the very least that we can do for them. It is our turn to do something for those who, without hesitation, responded to the call of their country in its hour of greatest need.

Honourable senators, this is good legislation. It goes some way toward righting past unfairness. It broadens access to benefits for some and simplifies their application for others. For the sake of these worthy and aging recipients, I urge all of my colleagues in this chamber to ensure the quick passage of this bill.

Hon. Michael A. Meighen: Honourable senators, I am pleased to rise today to speak at second reading on Bill C-41. Before I get to my specific remarks, I would like to say a few words about this morning's pre-election cabinet shuffle. Everyone is well aware that it is not my habit to heap praise upon Liberal ministers of the Crown, but it is with some regret that I saw that George Baker was demoted from his position of Minister of Veterans Affairs.

The problem, of course, is that Mr. Baker was an effective minister and an ardent supporter of veterans' rights. I am not alone in that opinion. As chair of the Subcommittee on Veterans Affairs, I can tell you that many veterans groups across this country enjoyed working with Mr. Baker and found him to be a man who gets things done.

I also understand that there are other groups, particularly in Newfoundland, who have come to realize that George Baker is a man who keeps his head down, his eye on the ball, and always follows through. Those who are not golfers will not get the analogy.

I look forward to working with Mr. Baker's successor, Mr. Duhamel, but however you slice it — not to pursue the analogy too far — the Department of Veterans Affairs has been effectively downgraded by this government. The department is now in the charge of a minister who has not one, not two, but three distinctly different portfolios. As capable a man as Mr. Duhamel may be, I wonder just how much time he will have for our veterans, sandwiched in between his responsibilities for Western Economic Diversification and Francophonie. In any case, I know that I and my fellow members of the Subcommittee on Veterans Affairs will do everything we can to assist him.

[Translation]

Let us get back to the bill. As pointed out by Senator Wiebe, passing this bill will pave the way for long-sought-after amendments to a number of bills and in particular the improvement of benefits for many veterans, as well as those who have supported their efforts.

[English]

• (1510)

I must say we on this side are a bit surprised that the government has found the time to deal with this bill, given their unseemly haste to get to the polls for the third time in just seven years. I suppose Canadian veterans should feel fortunate that this bill may well pass before the election is called. Unfortunately, honourable senators, many other bills, bills which should be considered and debated by Parliament, will die on the Order Paper as soon as the writ is dropped.

I can say, however, that we are pleased to see the passage of this particular bill, resulting as it does in improved benefits for those who served in support of our forces overseas — groups such as those mentioned by my honourable friend, the overseas aircrew of the Ferry Command, the Newfoundland Overseas Forestry Unit, and many members of the Red Cross and St. John's Ambulance. I am also pleased to see that members of our forces who suffer a disability will, as a result of the amendments included in Bill C-41, be able to collect the appropriate pension while continuing to serve their country.

The amendments will also allow the government to be more compassionate when collecting overpayments. While we are pleased to see some evidence of the government's compassion, we do not believe that the changes in this bill go far enough.

Every year the Department of Veterans Affairs deals with thousands of benefit claims, and sometimes a dispute will arise regarding a veteran's entitlement to benefits. For example, there are many instances when a veteran's injury does not become apparent until many years after the fact, or when the veteran can testify as to the cause of injury. We on the Veterans Affairs Subcommittee heard evidence on that very point this morning.

Unfortunately, even if the basis of the veteran's claim is plausible and can be supported by some medical evidence, the Government of Canada cannot, or will not, give the veteran the benefit of the doubt and grant the claim. We believe that in all cases where there is a dispute as to the facts or the equities of a particular situation, all matters of doubt should be resolved in favour of the veteran. Surely, honourable senators, that is not too much to ask for those who have served their country both in world wars and in peacekeeping missions.

The Canadian government should not hide behind the restrictive interpretations of the law to deny benefits to those who have served us. Nonetheless, we support the passage of this bill. We can only hope that those deserving of its benefits will actually be able to receive them before yet another election is called.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

Hon. Shirley Maheu (The Hon. the Acting Speaker): Honourable senators, when shall this bill be read the third time?

On motion of Senator Banks, bill referred to the Standing Senate Committee on Social Affairs, Science and Technology.

SALES TAX AND EXCISE TAX AMENDMENTS BILL, 1999

THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Hays, seconded by the Honourable Senator Grafstein, for the third reading of Bill C-24, to amend the Excise Tax Act, a related Act, the Bankruptcy and Insolvency Act, the Budget Implementation Act, 1997, the Budget Implementation Act, 1998, the Budget Implementation Act, 1999, the Canada Pension Plan, the Companies' Creditors Arrangement Act, the Cultural Property Export and Import Act, the Customs Act, the Customs Tariff, the Employment Insurance Act, the Excise Act, the Income Tax Act, the Tax Court of Canada Act and the Unemployment Insurance Act.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, we on this side of the house have completed our work in debate at third reading of Bill C-24. At this time, I have several comments which I would like to make.

The bill makes several changes which are mainly of a technical nature to the laws governing the GST and other excise taxes. It also repeals the tax regime for split-run periodicals as announced in July 1998. It reduces the level of tobacco production that is exempt from the special tax on tobacco exports, as well as raises tobacco taxes. Some of the technical amendments here were first announced by the government in 1997 and are only now, apparently on the eve of another election, being finalized. Why it has taken almost another full electoral mandate to accomplish these changes might be a reflection on the competence of the current administration in managing its legislative agenda.

Strong objections to the special tax on split-run magazines were simply ignored by the government at the time it was introduced in 1995. This legislation now repeals those provisions following a ruling by the WTO that the tax was illegal. It would have saved a considerable amount of time and trouble had the government done its job properly the first time.

This government's method of combating tobacco smuggling was to reduce the profitability of these illegal operations through the odd mechanism of reducing taxes, thereby making tobacco cheaper, rather than by enforcing the law, particularly on the borders. One might almost think this was done in collusion with tobacco companies to promote sales, but I am confident that that was not the case.

In any event, American prices have finally risen and our timid government is moving in lockstep, although we seem to have developed a new problem, that of interprovincial smuggling, with cigarettes cheaper in one province than another. For example, they are cheaper in Ontario than they are in Saskatchewan. The modest technical changes contained in this bill may be of some assistance, but they certainly do not constitute anything like the kind of significant tax relief that ought to have been undertaken.

Nonetheless, honourable senators, we think that the bill as examined by committee and currently under debate at third reading can stand. That is our position.

Motion agreed to and bill read third time and passed.

CANADA NATIONAL PARKS BILL

THIRD READING—DEBATE ADJOURNED

On the Order:

Resuming debate on the motion of the Honourable Senator Banks, seconded by the Honourable Senator Chalifoux, for the third reading of Bill C-27, respecting the national parks of Canada.

Hon. Tommy Banks: Honourable senators, it has been my pleasure to sponsor Bill C-27. It really has been a pleasure,

especially since this is the most significant review of the Parks Act since its promulgation in 1930.

Honourable senators will recall that at the time I introduced the bill, I emphasized that the governments of Canada, by which I mean all governments of Canada, of all political stripes, have a proud history of leadership in the protection, conservation and preservation of our natural and cultural heritage. The national parks are a source of pride and a symbol of national identity to Canadians everywhere. We hold them in trust for our children and for the world.

The Government of Canada, and all successive governments of Canada, as stewards of the national parks have been, and are, responsible for maintaining their ecological integrity, and for finding new ways to communicate their significance to Canadians.

To do these things, Parks Canada needs updated tools to continue to manage these special places effectively. Bill C-27 gives them the tools to do that.

• (1520)

If I can equate the present state of this bill to the negotiations — because there are many parties to this bill — it is the result of a perfect negotiation in which all the stakeholders who came to the table gave up a little more than they wanted to give up and gained a little less than they wanted to gain but they left the table with a deal with which they can live. That is the description of a perfect negotiation and what we believe to be a perfect bill.

This bill makes it absolutely clear, as its predecessor did not, that the maintenance and restoration of ecological integrity will be a first priority in the management of our parks. That is a significant strengthening of the government's commitment to protect our national treasures. It provides for caps on commercial development in parks communities and establishes the principles for the development of community plans for those communities.

With this bill, we will see seven new parks introduced and established and a new national park preserve. The animals in our parks will be better protected, with increased and stiffer fines and with the introduction of a new offence of trafficking. The relationships with the aboriginal people with respect to the management of parks will be improved. It makes provision, among other things, for the use of parklands for traditional spiritual and ceremonial purposes and obliges the minister to consult with aboriginal people on parks policy.

Earlier this year, the panel on ecological integrity reported, in "Unimpaired for Future Generations: Setting a New Direction for Canada's Parks," that: "Our national parks are under threat from stresses originating both inside and outside the parks and, unless action is taken now, deterioration across the whole system will continue." The report further stated that if we continue on our current path, we risk losing, for all time, access to the experience of protected nature and the wilderness that we so cherish.

Honourable senators, as someone who has spent an enormous amount of time in our national parks and, in particular, the mountain parks, which are world heritage park sites, I have taken that warning very seriously, as have all members of this house. With this legislation, I believe the government has as well. Bill C-27 will provide a strong and urgently necessary legislative base for Canada to continue its leadership in protected parks management. I strongly urge the support of all honourable senators in the passage of this bill during the life of this Parliament.

Hon. David Tkachuk: I have a question for Senator Banks. Will the honourable senator entertain it?

Senator Banks: Yes.

Senator Tkachuk: The honourable senator said that the bill will restrict commercial development in the parks. Was there any discussion in committee — that is, amongst yourselves and with the minister — about the problems that we have where, by restricting commercial development, we are creating a problem of supply and demand? The prices of the rooms in the hotels in these parks are increasing and soon only very wealthy people will be able to stay at half of them. Was there any discussion on exactly how the department will limit commercial development? It is a business issue. They are granting monopolies to businesses and then saying, “You not only receive the right to do that business there but also we will restrict future competition.” Consequently, they will have little monopolies within the park, which is, again, a problem. In other words, they will be creating sort of communist states within the park, with the park warden running the economy. Was there any general discussion on that issue? How do we give people open access to the parks without creating ecological disasters, while still allowing people to be able to afford to go to the national parks and enjoy them?

Senator Banks: I thank the honourable senator for his question. The short answer is, yes, a great deal of discussion about that issue and similar matters took place in the House of Commons committee and certainly in the committee of the Senate. We heard representations from stakeholders such as the ones the honourable senator named and from all kinds of different interest groups, including campers. I hope that the honourable senator has, on occasion, availed himself of the opportunity of camping in the national parks. The price is right for camping.

The question of the rise in prices of accommodation, particularly if it is to be restricted in national parks, is not a new one. The restriction on commercial development in national parks has always existed, but in some communities, for example, in Banff, things have now gone out of hand. Anyone who has ever been to Banff, for example the 1940s or 1950s — and I do not want to date myself nor suggest that the honourable senator was there in the 1940s, but I was — can see a great difference between then and now. The division between the 1960s and now is a huge and, in a way, a sad difference. It is all very well that we have facilities that can attract large conventions and so on, to Banff National Park and to all national parks, but a balance needs to be achieved between the pressures that derive from what

would be reasonable business practices in terms of economies of scale. These questions were discussed in the committee. For example, if a business were being operated outside of a national park, there would be no restrictions. What nature should those restrictions be in a national park? One of those things has to suffer in the balance; that is, either the unrestricted right to aggrandize businesses, whatever they are, or the protection and the unimpaired maintenance of these parks for the enjoyment of future generations will suffer. When it comes to those questions, it has always been the case that commercial development has been restricted in parks. Every leaseholder of every piece of land in every national park who established a business knew of the restrictions when they went there and first obtained that lease.

The present circumstance in which there has been, as the honourable senator has suggested, a certain amount of arbitrariness in applying and changing those restrictions from time to time will be set in order in this act. The plans for the community, including the size of the communities themselves and the restrictions on the amount of commercial development in terms of square footage within those communities, will be set out after negotiations with the communities in Schedule 4 of the act. They cannot then be changed willy-nilly by either the minister or by the superintendent of the park without reference to Parliament, which is one of the strengths of this bill.

On the basis of that provision and given the fact that this bill will place order and reason in the regulation of commercial business, I think that the concerns that have been raised by the honourable senator have been fully answered in the deliberations of the committee. I am happy to say that and to urge his support of the bill.

Senator Tkachuk: The honourable senator said that seven new parks would be created. A lot of research has been done to show that a number of species within the parks suffer. The parks and the borders around them are restrictive and the development that takes place around parks affects wildlife. It cuts off the movement of, say, wolverines, which travel over long areas and large territories to breed. Was there any discussion of corridors between parks or between different areas — that is, safe corridors — so that these animals can move over large distances and so that we do not cause the degeneration of the species by interbreeding within the national parks? That is a problem that is not only here, but it is one that will only get worse.

• (1530)

Senator Banks: I thank the honourable senator for the question. The short answer is, yes, discussion has taken place in that regard, specifically in respect of access corridors between the national parks to allow for the safe and normal movement of wildlife. However, that does not entirely solve the matter raised by the senator. For example, negotiations for, and the maintenance of, corridors in the provincial forest reserves can become particularly difficult. Another example is in the mountain regions. The honourable senator is no doubt aware of and may be referring to the large strip mine that might soon get underway on the eastern slope of the Rocky Mountains. I, among others, hope that it never happens, but that is, of course, not within our jurisdiction.

The discussion with respect to those corridors has taken place, but we must all be reminded that we cannot direct the actions of wildlife. We cannot say, "Please go in that direction." In fact, we cannot even make it more attractive for them to go in that direction. Thus, when they leave the parameters of national parks, they fall into another jurisdiction — one that does not always have, at its heart, the same kind of unimpaired maintenance and restoration of national parks as this government has at heart. However, the discussion about maintaining corridors between the national parks and through the surrounding areas is continuing.

Hon. Eileen Rossiter: Honourable senators, I rise to speak to the third reading of Bill C-27, respecting the National Parks of Canada. I agree that Bill C-27 provides much promise. There are measures to encourage greater ecological protection of our parks, historic sites and marine areas; these measures are important and overdue. They highlight the fact that we still have much work to do when building a coherent national parks policy.

When I spoke to this bill before, I raised one or two issues that I thought would be addressed in committee. The representatives of the Town of Jasper presented reasonable arguments for more civic control in the affairs of the town. The residents agree wholeheartedly with the environmental and ecological concerns and actions of Parks Canada. I am sure they would have preferred to see legislation amended, so as to clearly recognize the role of local government, communities and residents as key stakeholders and valued contributors to the national park experience.

When Bill C-27 was first tabled in the other place, there were two instances of time imposition. Clause 7(3), at that time, would have imposed a time limit of three hours in both Houses of Parliament. Clause 34(3) had an identical legislated time imposition of three hours in each chamber.

When the bill was in committee in the other place, they agreed to amend Bill C-27 by deleting subclause (3) of clause 7. Members agreed that there should be no legislated time limit on debate, and this amendment was accepted at third reading.

I firmly believe that it was an oversight that subclause (3) of clause 34 was not included in that amendment. Legislation is not the place for time allocation in legislation for the simple reason that once it is there, it takes a legislative amendment to take it out. Furthermore, it is the responsibility of each chamber to allocate the time necessary for any piece of legislation before it.

MOTION IN AMENDMENT

Hon. Eileen Rossiter: Therefore, honourable senators, I move:

That Bill C-27, in Clause 34, be amended by deleting lines 7 to 10, sub-section 3 inclusive, on page 24 and that the further sub-sections of Clause 34 be re-numbered accordingly.

The Hon. the Acting Speaker: Honourable senators, is it your pleasure to adopt the motion?

Hon. Tommy Banks: I move that the debate be adjourned.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I wish to speak in support of the amendment before the motion to adjourn is made. We have another example of the House of Commons making a mistake. I read the published reports of the proceedings of the House committee. It is quite clear that committee members were upset when they discovered that the bill proposed, in clauses 7 and 34, that it become law that the amount of time available for debate of a modification to issues relating to the schedules would be the time in question — three hours. The report indicates that committee members said that this is not acceptable. We cannot have bureaucrats slipping in legislative measures that would limit our freedom as parliamentarians. Therefore, they struck that provision. They said, "We must get rid of that," but they only eliminated it from clause 7.

It is clear in the record that they intended to delete it also from clause 34. We know how well they read from page 1 to the end of a bill, and, quite frankly, that is what we are dealing with here. If we were in a different time line, I am sure that this amendment would be embraced by all and the amended bill would be returned to the other place.

In terms of principle, that is what we are dealing with, honourable senators. I wish to place that on the record in support of Senator Rossiter's amendment.

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I wish to say a few words about the bill as well. I have listened carefully to the sponsor of the bill, to Senator Rossiter and to Senator Kinsella on this issue of clause 7 and clause 34. We have a precedent in this place of alternatives to amendment. We will pursue this matter and hopefully return with a satisfactory proposal. In any event, we will try to accomplish this before the next sitting.

On motion of Senator Banks, debate adjourned.

PROCEEDS OF CRIME (MONEY LAUNDERING) ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Richard H. Kroft moved the second reading of Bill S-30, to amend the Proceeds of Crime (Money Laundering) Act.

He said: Honourable senators, I am pleased to have the opportunity to speak at second reading of Bill S-30, to amend the Proceeds of Crime (Money Laundering) Act.

I might add that it was not long ago that this chamber discussed the predecessor to this legislation, Bill C-22. Bill S-30 is a direct result of the earlier commitment made on behalf of the government by the Secretary of State for International Financial Institutions to the Standing Senate Committee on Banking, Trade and Commerce to bring forward four amendments to the Proceeds of Crime (Money Laundering) Act. Before discussing those proposed amendments, I should like to take a moment to put them in context.

• (1540)

As honourable senators know, Bill C-22, the Proceeds of Crime (Money Laundering) Act, received Royal Assent in June of this year. The new bill strengthens the previous statute by adding measures to combat organized crime that are needed to improve the detection, prevention and deterrence of money laundering in Canada. Specifically, the new act provides for the following key elements: the mandatory reporting of suspicious financial transactions and certain other types of transactions to be described in regulations; the reporting of large, cross-border movements of currency; and the establishment of the new Financial Transactions and Reports Analysis Centre of Canada. The new centre indeed came into being on July 5, 2000.

As we all know, organized crime is becoming highly sophisticated and investigations increasingly complex, often taking place across jurisdictions and international borders. Money laundering and the cross-border movement of the proceeds of crime are also becoming increasingly difficult to deter and detect. With billions of dollars in criminal proceeds laundered through Canada each year, money laundering is now a worldwide problem that affects all Canadians.

The passage of Bill C-22 responded to the domestic law enforcement community's need for additional means of fighting organized crime by more effectively targeting the proceeds of crime. The legislation also ensures that Canada can meet its responsibilities both as a founding member of the Financial Action Task Force on Money Laundering — an organization dedicated to developing and promoting policies to combat money laundering throughout the world — and as a member of the G8, to cooperate in the international fight against money laundering.

The reporting requirements set out in the legislation are consistent with those already in place in most industrialized countries in the world, including the other G8 countries, most European nations, and many of our Commonwealth partners, such as Australia and New Zealand. The new reporting requirements will help deter and detect money laundering activity by providing for more timely, reliable and consistent information on specific types of financial transactions.

The government is currently consulting with stakeholders to develop regulations that will implement the reporting requirements set out in the Proceeds of Crime (Money Laundering) Act. Once these regulations are implemented, regulated financial institutions, casinos, currency exchange businesses and certain other financial intermediaries, including lawyers and accountants who act in this capacity, will be required to report any financial transaction suspected on reasonable grounds of being linked to money laundering. In addition, specific types of transactions — for example, the receipt of cash above a prescribed amount, such as \$10,000, and large electronic transfers — will also have to be reported. Further, the movement of large amounts of cash or monetary instruments like travellers' cheques across the Canadian border will need to be declared to Canada Customs.

Reporting to the new Financial Transactions and Reports Analysis Centre will support much-needed and much more sophisticated analysis. Successful prosecutions that benefit from analysis by the centre can lead ultimately to court-ordered forfeiture of the proceeds of criminal activity.

Above all, honourable senators, these benefits will be achieved in a way that respects the privacy of individuals by ensuring that reported information is treated with the utmost care and is safeguarded by both the Privacy Commissioner and the courts.

Honourable senators, I have provided you with some background to the bill that is before us today, a bill that implements technical measures to clarify the current act. I shall now focus my remarks on four specific amendments.

As I indicated at the beginning of my remarks, Bill S-30 fulfils a commitment made by the Secretary of State for International Financial Institutions on behalf of the government to the Standing Senate Committee on Banking, Trade and Commerce to introduce amendments to the Proceeds of Crime (Money Laundering) Act when Parliament returned in the fall. While senators on the committee supported Bill C-22, they indicated that the legislation would benefit from amendments to certain provisions. The government has agreed and has responded with the bill before us today.

The amendments relate to four specific issues, and the first one deals with the process for claiming solicitor-client privilege during an audit conducted by the Financial Transaction and Reports Analysis Centre. The centre is authorized to conduct audits to ensure compliance with the act. The legislation currently contains provisions that apply when the centre or person authorized by the centre conducts a compliance audit of a law office. The legislation requires that the centre provide reasonable opportunity to legal counsel to make a claim of solicitor-client privilege in respect of any document in the legal counsel's possession at the time of the audit. The amendment contained in Bill S-30 deals with situations where documents are in the possession of a person who is not a legal counsel. It requires that the person be given a reasonable opportunity to contact legal counsel in order that a claim of solicitor-client privilege may be made. This amendment responds to a concern raised at committee during its consideration of Bill C-22.

Another change ensures that nothing in the act prevents the Federal Court from exercising its authority under the Access to Information Act or the Privacy Act to order the director of the centre to disclose certain information as required by either of those acts. This amendment makes it clear that the recourse of individuals to the Federal Court is fully respected. This was always the intent of the original bill, and the amendment will ensure that this will be the result.

The third amendment more precisely defines the kinds of information that may be disclosed to the police and other authorities specified in the legislation. It clarifies that the regulations setting out this information may only cover similar identifying information regarding the client, the institution and the transactions involved.

Finally, the act is being amended to ensure that all reports and information in the possession of the anti-money-laundering agency will be destroyed after specific periods. The amendment specifies that information that has not been disclosed by the agency to police or other authorities must be destroyed by the centre after five years. Information that has been disclosed must be destroyed after eight years.

I am sure that all honourable senators will agree that these four provisions only serve to strengthen the existing act.

Before closing, I wish to address another matter that arose during the committee review of Bill C-22. In their committee report, senators also asked that the government consider three additional recommendations. Honourable senators, the government has considered these three amendments and has made a decision not to proceed with them. I want to take a moment to explain the rationale behind this decision.

First, the Senate committee report recommended that the new agency be required to obtain either consent or a warrant before entering a law office to verify compliance with the act, as is required before entering a private home. The government believes it would be inappropriate to require a warrant for the purpose of conducting a compliance audit of any place of business, including a law office. The provisions of the current act parallel those in the Income Tax Act, which also do not require that a warrant be obtained except where access to a dwelling house is sought.

Second, senators also requested that the act be amended to require that a parliamentary committee review the administration and operation of the act within three years and every five years after that. At present, the act requires review after five years. The government feels that a five-year review is better, for a number of reasons. Most important, there will not be enough experience or data available with the three years to provide an accurate assessment of the effectiveness of the legislation or the operations of the Financial Transactions and Reports Analysis Centre. In any event, honourable senators, parliamentary committees are able to undertake a review of legislation at any time and could opt to do so in this case.

Finally, senators recommended that the act require regulations to be tabled before a committee in each house of Parliament. The act currently stipulates a 90-day public consultation period following pre-publication of the regulations in the *Canada Gazette* and an additional 30-day notice period if significant changes are made as a result of those consultations. The government believes that this will provide ample opportunity for parliamentary committees to study the regulations, call witnesses to testify, if the committee wishes, and provide comment to the government.

Honourable senators, I am confident that these amendments improve this important statute, and I thank the members of the Standing Senate Committee on Banking, Trade and Commerce for their contribution to making the act even stronger. Given the

need to have legislation in place that is effective in the fight against organized crime by deterring and detecting money laundering, while at the same time providing important protection for individual privacy, I encourage all honourable senators to support this bill.

• (1550)

Hon. David Tkachuk: Would the honourable senator take a question?

Senator Kroft: Certainly.

Senator Tkachuk: Has the analysis centre been established and have they named the director?

Senator Kroft: I indicated in my remarks that the centre was established on July 5. I have no information and it has not been brought to my attention that a director has been appointed. To the best of my knowledge, that appointment has not happened, but I stand to be corrected.

Senator Tkachuk: Does the honourable senator know if they have hired the people at the centre, and if so, are they diligently working away to fulfil the requirements of this bill?

Senator Kroft: With my knowledge of this government, I can assure you that they are diligently working away. Whether the hiring has been completed, I cannot be sure.

Senator Tkachuk: The honourable senator might remember that we wished to make amendments to this bill in June. We were told how important it was to pass this bill at the end of June so that they could go ahead and begin their investigations. Honourable senators on both sides felt that amendments were necessary. There was the usual ministerial "We need the bill right away and here is a letter." I am grateful that a letter has finally been sent and that a bill has been introduced; but this matter could have been resolved in June with amendments made, sent to the House of Commons, and by September we would have had the amended legislation. That is why I am asking. I believe honourable senators on both sides want to know what has transpired between June and now. I use the Canada Pension Plan as an example, where nothing happened for years. What has transpired now that could not have been done if we had made those amendments in June?

Senator Kroft: Most significant, and I repeat as I did when I spoke on the debate of the original bill, it was important for Canada to take its place, and we were not early in that process, among those nations that have established the appropriate mechanism. The centre was established, again I repeat, on July 5. Had the procedure the honourable senator is suggesting been followed, that would not have been possible. As we were told by officials and by the minister, there was work being done internationally over the summer that required Canada to be able to be at the table and confirm that it in fact had the legislation and the centre in place, and that was indeed done.

Senator Tkachuk: Would it be possible to table some legislation or get some information on what has happened and why it was necessary to have that bill? I know what the minister said, "We have to do this and we have to do that," but we would have had the bill amended here and it would have gone over to the House of Commons before we left and have been dealt with in September. Here we are moving amendments to the same bill we just dealt with in June, with a new bill being brought in. I never did buy the minister's argument that it was so important for us to have this legislation and establish the centre. We have money-laundering legislation. Many of these nations did not have any money-laundering legislation. We already had such legislation and the RCMP were already doing the work. All we have done is set up a central agency to do the work rather than having the RCMP do the work. I wonder if the honourable senator could provide us with the number of employees and some of the issues they have dealt with, even before I speak.

Senator Kroft: Honourable senators, I will do my best to see that the honourable senator is provided with the information.

On motion of Senator Tkachuk, debate adjourned.

PRIVACY COMMISSIONER

MOTION TO APPROVE APPOINTMENT
OF GEORGE RADWANSKI ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Hays, seconded by the Honourable Senator Graham, P.C.:

That, in accordance with Section 53 of the Privacy Act, Chapter P-21 of the Revised Statutes of Canada 1985, the Senate approve the appointment of George Radwanski as Privacy Commissioner.

Hon. Marcel Prud'homme: Honourable senators, I thought Senator Kinsella had stood the motion in his name.

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, that is correct. I am making a comment with leave. Perhaps the leader for the other side has something to say about allowing the debate to continue in the absence of Senator Kinsella.

Senator Prud'homme: He is here now.

Hon. John Lynch-Staunton (Leader of the Opposition): Senator Kinsella is out for a few minutes and I was not aware that he wanted to speak to this motion.

I understand he does not want to speak to it.

Honourable senators, we were impressed with the presentation and the exchange last evening. We are quite ready to support the nomination. There is no more to debate on this side, yesterday's

exchange proving very valuable in our assessment of the candidate.

Senator Prud'homme: Honourable senators, today we are asked to ratify the government's nomination of Mr. Radwanski for the position of Privacy Commissioner, perhaps one of the most important, if not sensitive, institutions of our parliamentary democracy.

Mr. Radwanski told us earlier that his great record makes him the most qualified person for the position. On this, I beg to differ. In 1983, Mr. Radwanski, then editor-in-chief of *The Toronto Star*, wrote a very reckless and scandalous editorial entitled "Shaking hands with a terrorist." In it he censured me for daring to shake hands with Mr. Yasser Arafat and daring to do what the whole world, minus Israel, had done in all the pertinent United Nations resolutions, 194, 242, 338, and that is to recognize that Palestinians are human beings like you and me who have a right to exist.

I need not bore you with the details of the obtuse editorial or remind you of the immense damage and inconvenience it has caused me, but let me briefly read it to you. It is very short.

The Toronto Star, February 18, 1983: "Shaking hands with a terrorist."

When back bench members of Parliament start to develop their own foreign policy, the results are embarrassing to the government, the party and the country. Marcel Prud'homme is a Liberal MP who has been a long time supporter of the Palestine Liberation Organization. Now he has turned up in Algiers, as an "observer" of a PLO meeting, smiling and having his photograph taken holding hands with Yasser Arafat, the chieftain of the PLO.

It's time some senior member of the government pointed out to him that the PLO is not recognized as a legitimate political organization by the government of Canada.

• (1600)

The PLO is a federation of terrorist gangs which has scorned international law in its violent campaign against Israel. If Prud'homme really wants to observe the PLO in action, he should watch some of their thugs shoot up a crowded bus on a highway near Tel Aviv, set off a bomb in a Jerusalem street, or lob a grenade into an Israeli farming settlement.

For several years, the PLO has been striving to get western governments to ignore its bloody past and treat it as an equal: a sort of government-in-exile and the only legitimate representative of the Palestinian people. When western politicians such as Prud'homme show up at PLO meetings and speak out publicly on behalf of the PLO, they are helping it to claim a respectability to which this collection of killers is not entitled.

Honourable senators, for me this was a classic piece of cultural terrorism that caused immense damage to my personal life and to my security for quite a long time thereafter. The questions that beg answers are many. Should we allow a person who holds such violently biased and clearly shabby views — and I will add racist — to hold such a sensitive position?

I should like to remind honourable senators that in 1970 I was sent to Egypt for a conference of parliamentarians for peace. In 1974 I was sent to the United Nations by Mr. Trudeau for a full meeting, even though certain events took place with Mr. Arafat there that the then ambassador, Mr. Rae, did not approve of. The Prime Minister did not see fit to recall me. The Prime Minister of Canada — and Mr. Radwanski wrote much about him — then sent me as his personal representative to the reopening of the Suez Canal in 1974. He took me to meet President Carter, and he took me to Japan. The Prime Minister allowed me to be chairman of the foreign affairs and national defence committees for over 10 years, and consulted me on the question of the American draft dodgers, et cetera.

Honourable senators, I always had the support of Mr. Trudeau in all my actions. Everyone claimed to be his friend, everyone claimed to have known him very well. I do not claim to have been a personal friend of Mr. Trudeau, but I always claimed to do what I saw fit and I never thought that he would discourage me. Far from it, his encouragement was very well known.

May I say to those who may not understand, especially the 40 new senators, that that is one of the reasons for my sitting here alone in this corner — I, a Liberal at heart and a Liberal in a question of support. I regret that it was not seen fit to put names before us, in order to have a better choice. I have no quarrel with Mr. Radwanski's support for the Liberal Party, as I said yesterday. I strongly supported Mr. Bruce Phillips, a Liberal, time and time again.

I have no quarrel with Mr. Radwanski's intelligence. What I have a quarrel with are some of his strongly held views. These views that he so strongly expressed had only one effect on the national Liberal caucus, and that was to discourage every single young member who wanted to play a role in international affairs. In my view, this is where the crime lies. It is not the fact that I was attacked; it is the fact that he discouraged people from taking sides in major international issues.

Honourable senators, we must remember that we are not provincial representatives, we are federal representatives, and that everyone who runs for federal office should have one thing at heart: They should remember that in addition to duties in their own areas of the country they should also have concern for international issues. Federal representatives who say that they have no international preoccupation should not sit in a federal house.

As difficult as the outcome may be, one must never be afraid to stand up for what one believes is peace and justice for all. As my father always told me, when you talk about justice and peace

it is on behalf of everyone. He told me that one cannot pick and choose, and I have always refused to pick and choose. That explains why I got into so much trouble.

Honourable senators, when I hear this gentleman asking for our support, I do not think his views have changed and I do not think that I will give my support.

Honourable senators, I conclude with this question: Will this privacy commissioner be fair to all Canadians? This includes, whether we like it or not, Arab Canadians, Muslim Canadians, and people like me, who are searching for real peace in the Middle East. Perhaps what is most important, in light of all this new talk about "merit," "equity," "inclusivity," is whether Mr. Radwanski is the most qualified Canadian for the job. I sincerely hope that the Senate will ponder these questions seriously and not feed the public perception of us as a mere rubber stamp for the lower House.

• (1610)

The Hon. the Speaker: If no other honourable senator wishes to speak, I shall put the motion.

It was moved by the Honourable Senator Hays, seconded by the Honourable Senator Graham, P.C.:

That, in accordance with Section 53 of the Privacy Act, Chapter P-21 of the Revised Statutes of Canada 1985, the Senate approve the appointment of George Radwanski as Privacy Commissioner

Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Yes.

Senator Prud'homme: No. I want a standing vote.

The Hon. the Speaker: Will those honourable senators in favour of the motion please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those honourable senators opposed to the motion please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "yeas" have it.

And two honourable senators having risen.

The Hon. the Speaker: Is there agreement on how long the bells will ring? If there is no agreement, they will ring for one hour.

Senator Hays: Honourable senators, I suggest that the bells ring for 15 minutes.

The Hon. the Speaker: Is there agreement, honourable senators, for a 15-minute bell? [Translation]

• (1630)

Hon. Senators: Agreed.

The Hon. the Speaker: The vote will take place at 4:25. Call in the senators.

• (1625)

Motion agreed to on the following division:

YEAS

THE HONOURABLE SENATORS

Adams	Hervieux-Payette
Andreychuk	Joyal
Austin	Kennedy
Bacon	Kenny
Banks	Kinsella
Beaudoin	Kroft
Bolduc	Lawson
Bryden	Lynch-Staunton
Buchanan	Maheu
Callbeck	Mahovlich
Carstairs	Mercier
Christensen	Milne
Cook	Moore
Corbin	Pépin
De Bané	Poy
DeWare	Robichaud
Fairbairn	(<i>L'Acadie-Acadia</i>)
Ferretti Barth	Setlakwe
Finnerty	Sibbeston
Fitzpatrick	Sparrow
Furey	Spivak
Gill	Squires
Grafstein	Taylor
Gustafson	Watt
Hays	Wiebe—49

NAYS

THE HONOURABLE SENATORS

Atkins	Nolin
Comeau	Prud'homme
Di Nino	St. Germain—7
LeBreton	

ABSTENTIONS

THE HONOURABLE SENATORS

Forrestall	Meighen
Gauthier	Simard—4

BROADCASTING ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming the debate on the motion of the Honourable Senator Finestone, P.C., seconded by the Honourable Senator Rompkey, P.C., for the second reading of the Bill S-24, to amend the Broadcasting Act.

Hon. Jean-Robert Gauthier: Honourable senators, it was Senator Kinsella who aroused my interest during his speech on Tuesday, September 19, on Bill S-24, to amend the Broadcasting Act.

In his excellent remarks, Senator Kinsella touched on major changes in this important sector. He emphasized the importance of more equitable representation and participation in regulatory and policy matters relating to the broadcasting and cable television industry in Canada. He also spoke of the importance of Bill S-24, pointing out that these amendments to the act would help improve the quality of evidence.

It is true that Bill S-24 is supportive of an important principle of public policy, namely that citizens participate in and are represented in policy, regulatory and other decision-making activities of government and government agencies, and are able to do so in an effective way.

My experience with the TFO-CRTC case has taken much time and energy. In addition, I had to rely on the assistance of researchers and the good offices of the secretariat in order to prepare my material.

In the debate on Bill S-24, Senator Hays asked Senator Kinsella if he knew how other regulatory bodies treated applications such as those that might be made to the CRTC for the awarding of costs if Bill S-24 were passed.

As to whether the model proposed was working in other spheres, Senator Kinsella replied that he did not know. I asked my colleague Senator Finestone, who sponsored Bill S-24, whether she knew the answer to this question and she too was not certain.

I therefore asked the Library of Parliament researchers to research the awarding of costs by federal decision-making bodies.

Bill S-24 amends the Broadcasting Act in order to enable the Canadian Radio-television and Telecommunications Commission to make regulations establishing criteria for the awarding of costs and to give the commission the power to award and tax costs between the parties that appear before it. Costs are generally the expenses a party incurs by initiating a proceeding, but they may also be incurred by a third party authorized to make representations to the commission. These costs may indeed be considerable, but they can also serve to provide the commission with a broader perspective on matters under study if only the parties involved were authorized to define the parameters of the debate.

The CRTC's role is a rather unique one. Although its primary function may be to determine what in fact are individual ownership rights — for instance the rights of an applicant to a broadcast licence — its decisions can have heavy public impact reaching far beyond the applicant's rights and obligations. The right to intervene is not an automatic one, and only the management committee may decide if it is appropriate to award intervenor status. Section 44 of the CRTC Telecommunications Rules of Procedure sets out the criteria used to determine whether costs are to be awarded.

According to the commission's interpretation, rule 44 applies solely to not-for-profit organizations. Costs have therefore not been awarded to intervening municipalities.

The amendment proposed by Bill S-24 allows the commission to award costs "incidental to proceedings before it." Consequently, it will be authorized to award or set costs not only for parties directly involved in the dispute, as any judiciary or quasi-judiciary tribunal could, but also for the interveners.

It should be pointed out that the CRTC is in fact already empowered, under section 56 of the Telecommunications Act, to do precisely what Bill S-24 is proposing in the context of the Broadcasting Act. It is surprising to note that the Broadcasting Act does not give the CRTC the same authority. The bill may therefore be considered to be harmonizing the powers of the commission in the disputes created because of the two acts.

Many federal laws allow the courts to set and award costs, but it is less common for them to enable interveners to recover costs. Section 89 of the Competition Tribunal Act allows a tribunal to grant a motion to intervene. However, no provision either in the law or in its regulations, provides for the determination of costs. It is perhaps because the Competition Tribunal, like other quasi legal tribunals, is empowered to engage technical experts as necessary. The Canadian Transportation Agency, the Canadian Cultural Property Export Review Board, the Employment Equity Review Board and the National Energy Board have this power.

Some of these bodies have legal authority to set costs in matters before them. Thus, the National Energy Board can — and I quote section 39 of the National Energy Board Act:

...fix such amount as it deems reasonable in respect of the actual costs reasonably incurred by any person who made representations to the Board at a public hearing; the amount so fixed shall be payable forthwith to that person by the company whose pipeline route is affected by the public hearing.

The Canadian Transportation Agency, at section 25.1 of the Canada Transportation Act, and I quote:

...has all the powers that the Federal Court has to award costs in any proceeding before it and may make rules specifying a scale under which costs are to be taxed.

Section 50 of the Canadian Human Rights Act allows the member or panel conducting the inquiry to give "any other interested party" the opportunity to appear and make representations. Here again, however, the law does not appear to contemplate an order respecting the costs of this interested party.

However, under section 32, the Canadian Human Rights Commission:

...may, for specific projects, enter into contracts for the services of persons having technical or specialized knowledge of any matter relating to the work of the commission to advise and assist the commission in the exercise of its powers or the performance of its duties and functions under this Act, and those persons may be paid such remuneration and expenses as may be prescribed by by-law of the commission.

Under section 17 of the Canadian International Trade Tribunal Act, the Canadian International Trade Tribunal has all such powers, rights and privileges as are vested in a superior court of record. It would appear that this includes the power to set and award costs, but this power would not extend to intervenors.

In one case, that of the Civil Aviation Tribunal, the legislation states that no costs are to be awarded. Subsection 37(7) of the Aeronautics Act reads as follows:

No costs may be awarded by the Tribunal or a member thereof on the disposition of any matter under this Act.

Finally, provincial public service regulatory bodies have the regulatory power to award costs to intervenors. These bodies include the Ontario Energy Board, the Alberta Utilities Board, the Régie de l'énergie du Québec, and the British Columbia Utilities Commission.

● (1640)

Contrary to many other boards, commissions and tribunals, the enabling statute does not appear to give the CRTC the power to enter into contracts for the services of persons having technical or specialized knowledge. As a result, the commission must rely much more on information provided by well-informed intervenors.

Supporters of the bill argue that, in a sphere as technical as broadcasting, with such an impact on all Canadians, the commission should have the most complete and accurate information possible at its disposal.

The solution proposed in Bill S-24 would give the commission the resources to gather information, despite the absence of legal power to enter into contracts with technical advisors in a particular case.

In conclusion, I wish to thank the staff of the Library of Parliament, who provided the notes for this speech. It was they who provided me with information on this matter and who answered the question put by Senator Hays, satisfactorily I might add.

[English]

• (1640)

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Hays, bill referred to The Standing Senate Committee on Transport and Communications.

PRIVILEGES, STANDING RULES AND ORDERS

TENTH REPORT OF COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the tenth report of the Standing Committee on Privileges, Standing Rules and Orders (amendment to Rule 94) presented in the Senate on October 16, 2000.—(Honourable Senator Austin, P.C.).

Hon. Jack Austin moved the adoption of the report.

He said: Honourable senators, this report originated in a letter addressed to me as Chairman of the Standing Committee on Privileges, Standing Rules and Orders from Senator Kirby as Chairman of the Standing Senate Committee on Social Affairs, Science and Technology. Senator Kirby in his letter proposed the adoption of a formal process for senators to declare outside interests that are relevant to orders of reference from a committee's studies.

Senator Kirby's interest in this topic arose in two specific fashions. At an earlier time he was the Chair of the Standing Senate Committee on Banking, Trade and Commerce. That committee had an order of reference to review the task force report on financial institutions called the MacKay task force. In so doing, media questions were raised with respect to conflicts of interest of senators who are members of the Banking Committee. Senator Kirby advised the members of the Banking Committee that it would be in the interest of the Senate if there were total transparency with respect to committee member's financial

interests while the committee was dealing with the MacKay task force report, the upshot of which was that all senators put on record with the Law Clerk of the Senate a declaration of their financial interests.

The media showed great interest in the question of conflict of interest and the media pursued the information which had been put on record. Stories were written with respect to the role of senators. One senator was a member of the board of a Canadian chartered bank; two senators were members of the boards of directors of the Canadian subsidiaries of foreign incorporated banks; and there were some interests disclosed with respect to other financial institutions. The upshot of that voluntary step was that the media were able to satisfy themselves that the interests of the members of the Banking Committee were transparent and that the public would be able to judge the views of members of the Banking Committee accordingly.

In late February or early March of this year, Senator Kirby, then being the Chair of the Standing Senate Committee on Social Affairs, Science and Technology, which had undertaken a study on health care, was reported by the media as being in a possible conflict of interest situation because he was a director of a company which provided long-term care on a commercial basis. Senator Kirby made it clear in this chamber and to the media in general that there was no government funding with respect to the company in question and that the work which it did with respect to long-term health care of senior citizens was not the subject of the study which was before the Standing Senate Committee on Social Affairs, Science and Technology.

Senator Lynch-Staunton raised the question of the media report in this chamber in March of this year, not suggesting at that point, or, indeed, at any point that there was a conflict of interest, but again saying that the question of transparency had been raised and what, in fact, was the Senate prepared to do with respect to this question.

On March 29, Senator Kirby made a statement in this chamber in which he argued for the principle of transparency. In particular, he argued for the principle that standing committees, when holding an order of reference from the Senate on a policy study, be empowered, when they considered it desirable, to require members involved in that particular study to make a declaration of any financial interest that they might have, not the quantum but that such a financial interest might or would exist.

Accordingly, Senator Kirby said in the chamber that he would write a letter to me requesting that the Standing Committee on Privileges, Standing Rules and Orders undertake to review the question. I come back to the beginning of my story. I have received such a letter, and the committee, of which I am Chair, undertook such a study. The result is the committee's tenth report. If I may refer to it briefly, it would amend rule 94 of the *Rules of the Senate* by empowering a select committee, where it considers it would be in the public interest in respect of its consideration of an order of reference, to order its members to disclose the existence of any private financial interests, whether held directly or indirectly, in respect of the matter.

I want to emphasize that the rule does not apply to an amendment to the Constitution of Canada or to the question of a public bill before the Senate. Indeed, if there are direct conflicts of interest with regard to a bill, the best procedure for honourable senators would be not to participate in the vote.

• (1650)

Then there is the procedure following, as to how compliance with respect to the order of the committee would take place and a declaration would be made or, under subsections 7 and 8, a member who does not file a declaration is deemed to have complied with the order and is deemed not to have a financial interest. The filing would be with the clerk of the committee in question.

Honourable senators, the committee reviewed the practice in other jurisdictions and, in particular, reviewed an interesting report, entitled "Reinforcing Standards," which was presented to the Parliament of the United Kingdom in January, 2000, in which the same question was addressed. In that report, the question of transparency was held as a paramount principle and duty of legislators.

Honourable senators, I am not aware that there is any controversy with respect to this matter. I believe, however, that it is necessary to have such a rule in order to ensure that the dignity of the Senate and the fairness of its proceedings are clear on the record.

Hon. Gerry St. Germain: I would ask that the honourable senator allow a question.

Senator Austin: Certainly.

Senator St. Germain: Honourable senators, it seems that the level of transparency is being driven by the media. I would hope that our rules and regulations in this place are not being set by media stories or media intervention. As far as I am concerned, the rules and regulations governing the practices in this particular place on what is ethically and morally correct should be determined by senators. I am surprised that the Honourable Senator Austin made so much mention of the media as being the litmus test of whether or not we should be doing something. If an honourable senator who is a member of the Banking Committee also sits on the board of the Bank of Nova Scotia, say, he or she could very well be in conflict. I think what Senator Austin has explained will work, but I do not believe we should be driven by the media as to whether we do something or do not do something. However, the honourable senator's dissertation has left me with that impression.

Senator Austin: I thank the honourable senator for that. I do not want to leave the impression that this is driven by the media. In my view, this is driven by the evolving standards of the public with respect to the conduct of officials in public life. I did refer to the media in the context of a story in the press that gave rise to a question by Senator Lynch-Staunton to Senator Kirby, as chair of the Standing Senate Committee on Social Affairs, Science and Technology, and his response.

It is clear to me that the honourable senator's general principle is the right principle. We are in charge of the conduct of our own affairs and, in so doing, we stand to justify that conduct to the public of Canada. I believe that the tenth report aptly describes a necessary level of transparency for senators. My reference to the Banking Committee and to the Social Affairs Committee, and their members, were only examples that I meant to put before the house.

In order to avoid misunderstanding, my information is that Senator Kirby, when he was chair of the Banking Committee, was not a director of any bank but did become a director of a national bank some months after retiring as chairman of the Banking Committee.

Hon. John Lynch-Staunton (Leader of the Opposition): I should like to ask a question as well. I certainly do not quarrel with the intent of the proposed amendment to our rules, but I wonder whether this is the best way to go about it, since, as I read it, there is nothing compulsory. First, a select committee may at its own discretion decide to ask its members to disclose certain information. It is very discretionary. Second, a member may comply with the order. On the one hand, the committee may ask for the information; and, if it does, there is nothing that obliges the member to comply with the order. It says "may" comply. If it said "shall" or "will," or something a little stronger, then I would be more sympathetic. The way I read it, however, the committee may wish to have disclosure but the member may or may not abide by that request.

Senator Austin: I appreciate the question and I think the answer is properly made this way: In the first instance, it is for the committee to decide whether the order of reference and the study undertaken by the committee raise any questions of conflict of interest. For example, Senator Nolin is undertaking a study on the drug culture. He and his committee should consider whether any members have a conflict of interest. I imagine not, in which case no action need be taken. One question every committee henceforth will need to consider on an order of reference is whether there might be a public interest in the question of conflict. There might be a question of conflict and it should be dealt with before the question arises.

On the second point that the Honourable Senator Lynch-Staunton makes, it is a question for the member, himself or herself, to deal with. A member may make a disclosure. Subsection 5 says that a member "may comply with an order made...." That indicates the process by which a member may comply. However, subsection 7 says that the member "who does not file a declaration... is deemed to declare that the member has no private financial interest and is bound by the deemed declaration...." That is the language of substance. The member, if required by the committee, may file in a certain way. Unless the member wants to hide something, the member either is required to file the declaration or, if not filing, is deemed to have no financial interest. Therefore, I believe that the question is well raised by the proposed rule.

Hon. Nicholas W. Taylor: Honourable senators, I also have a question for Senator Austin. Some years ago, I was involved in something similar to this in the Alberta legislature. We ended up with a different system than the one here. I wonder if the honourable senator looked at that. Although what is being discussed is conflict of directorships, conflicts can occur with large share ownership or a spouse having a large share ownership in a corporation or a unit that has legislation coming before the Senate. That is the background.

My question is the following: Did the committee consider a system whereby everyone would file, including spouses, details of ownership with the Privacy Commissioner. The Privacy Commissioner would then be in a position to advise the senator involved, if the senator is unaware of the legislation coming forward, that by voting he or she would be in a position of conflict. This would all be done in private. If the senator, nevertheless, chooses to vote, then the Privacy Commissioner has the option of revealing to the public that the senator in question had been warned not to vote. Under that system, there would be a method of considering more than just interlocking directors and influence; yet, at the same time, it would preserve the privacy of individuals who file their ownership or their possible conflict with the Privacy Commissioner. Did the committee look at that system?

• (1700)

The Hon. the Speaker: I regret to advise the Senate that the time allotted for the speech and questions thereon has expired. Is leave granted to allow the Honourable Senator Austin to reply?

Hon. Dan Hays (Deputy Leader of the Government): I propose that we extend the time period for a further 10 minutes.

The Hon. the Speaker: Is it agreed, honourable senators?

Hon. Senators: Agreed.

Senator Austin: Honourable senators, this chamber and the other place have debated, over many years and from time to time, the issue of a code of conduct for members of the two Houses and we have, as yet, not reached a conclusion on a comprehensive code of conduct.

The Prime Minister has introduced legislation that has not proceeded. We had a report by Senator Oliver and Peter Milliken of the other place that we have not canvassed. All of that relates to a very comprehensive code, and perhaps at some time in the future a consensus will develop to deal with it.

With respect to voting on bills, the honourable senator has described one possible option. However, I made clear that we, in the tenth report, have not dealt with voting on bills. We are only dealing with orders of reference — that is, studies and disclosures of interest when a committee has received an order of reference to take up a study.

I admit that it is a very tentative step, but it is a step.

Senator Lynch-Staunton: Honourable senators, I would be much happier with a general code of conduct covering all senators and all members of Parliament, in whichever way you want to execute it. I am very unhappy with the piecemeal approach we have where, in certain specific cases, the committee may or may not require members to divulge certain information. I believe that this immediately casts a suspicion that certain committees studying certain subjects may have a conflict.

We all have certain holdings, all different from others. If we were to be extremely exacting and demanding, we would probably always be in a conflict of interest of some sort when debating public bills or terms of reference. I find it a challenge to my integrity and honesty to be told that I must divulge all my assets, that I must divulge what I am worth, or that when studying certain subjects I tell someone that I do not have a conflict of interest. That is an insult to parliamentarians. I know it is being done, but if we are to do it, let us do it for everyone the same way rather than identify a particular circumstance at the discretion of a committee under certain conditions.

I do not know why we have to be so exacting in one particular area of our work. If we are to create a code of conduct, let us cover everyone and everything rather than do it this way, which I find unnecessary.

Senator Austin: Honourable senators, before I reply to Senator Lynch-Staunton, let me clear up another point to which I did not refer but which was raised, and that is the question of spouses. There is no obligation here to disclose the interests of spouses. These are interests held by a senator directly or indirectly, but "indirect" means it is their beneficial ownership of interest. Nor is the quantum, as I have said, to be disclosed. The disclosure is simply that there is an interest.

On Senator Lynch-Staunton's point, there is simply a philosophical difference in how to handle an issue. If I may use baseball as a metaphor, my strategy is to use base hits and bunts to get people on base and eventually bring them home. One can wait for a home run, but a home run does not happen nearly often enough. I am persuaded that incremental change gets us somewhere over time. I am trained as a common-law lawyer, which may affect my view of how to deal with issues. However, the committee supported this resolution, and I hope that honourable senators will find it possible to support it today.

On motion of Senator Lynch-Staunton, for Senator Kinsella, debate adjourned.

ENVIRONMENTAL ASSESSMENT OF PROPOSED LANDFILL AT ADAMS MINE, TIMISKAMING DISTRICT, ONTARIO

REPORT OF ENERGY, THE ENVIRONMENT
AND NATURAL RESOURCES COMMITTEE
ON STUDY PURSUANT TO MANDATE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Spivak, seconded by the Honourable Senator LeBreton, for the adoption of the fifth report of the Standing Senate Committee on Energy, the Environment and Natural Resources (study on issues relating to energy, the environment and natural resources generally in Canada), presented in the Senate on September 21, 2000.—*(Honourable Senator Hays)*.

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, this order stands in my name. I adjourned the debate because I wanted to spend more time on the report and in discussion with colleagues. I have done that and I am satisfied that this question should be put at this time. Accordingly, I will take my seat and encourage the Senate to deal with this question now.

The Hon. the Speaker: If no other honourable senator wishes to speak, I will proceed with the question.

Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and report adopted.

PRIVILEGES, STANDING RULES AND ORDERS

EIGHTH REPORT OF COMMITTEE—ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Austin, P.C., seconded by the Honourable Senator Banks, for the adoption of the eighth report of the Standing Committee on Privileges, Standing Rules and Orders (changes to Rule 86), presented in the Senate on June 22, 2000.—*(Honourable Senator Kinsella)*.

Hon. Jack Austin: Honourable senators, as chairman of the committee, might I inquire as to when this matter will be addressed by Senator Kinsella?

Hon. John Lynch-Staunton (Leader of the Opposition): The order stands in Senator Kinsella's name. He is in a meeting at the moment.

Senator Austin: Is Senator Lynch-Staunton not able to speak to when Senator Kinsella will address this matter?

Senator Lynch-Staunton: Not today, no.

Senator Austin: Would Senator Lynch-Staunton advise Senator Kinsella that I would like him to address this report tomorrow or Thursday?

Senator Lynch-Staunton: He will read Hansard. I am not a messenger.

Order stands.

• (1710)

PARLIAMENTARY REFORM

INQUIRY—DEBATE ADJOURNED

Hon. Gerry St. Germain rose pursuant to notice of October 5, 2000:

That he will call the attention of the Senate to concerns expressed by Canadians in the western and territorial region that I represent, with regard to the need for fundamental and far reaching reform of Canada's Parliamentary Institutions: the Senate of Canada and the House of Commons, namely that:

a diverse, federal country needs an effective, useful and viable Upper House to represent provincial and regional interests and as such, reform of the Senate needs to:

(a) focus attention on defining the purpose of the Senate, consequently giving the Senate the legitimacy which it deserves to be an active participant in the legislative process;

(b) define the role which a revised Senate might take at a national level and the powers which would be appropriate for it to exercise in harmony with the House of Commons;

(c) give standing committees a more effective position of governing in the Senate, more particularly, in relation to the task of reviewing the nomination of federally appointed judges;

(d) determine the length of term of office;

(e) determine an alternate means by which to select members of the Senate;

(f) determine the nature of its regional representation, particularly a desire to see each province finally receive the numerical representation it deserves in the Senate of Canada; and that

there needs to be reform of the House of Commons to:

- (a) make it more democratic and accountable;
- (b) give all Members the freedom to be part of the policy making process. MPs need the ability to voice and promote the concerns of their constituents — to truly represent their people;
- (c) determine recommendations addressing democratic accountability which could be through such measures as (1) having free votes; (2) giving standing committees legitimate authority to exercise thorough examination of government policies; legislative proposals; fiscal measures and, providing parliamentarians with a forum and mechanism to introduce legitimate concerns and ideas of Canadians.

He said: Honourable senators, it gives me pleasure to rise today to speak to the inquiry I launched on October 5. The thrust of this inquiry is to allow senators to explore the whole subject of parliamentary reform, the House of Commons, the Senate, and the system of seat distribution both here and in the House of Commons. This is not a subject about which I have spoken before in this place. However, in my travels across this country, especially in Western Canada, I am struck by the large number of people of all ages from all walks of life who view their federal Parliament as irrelevant; or, in some cases, just a great big hole into which tax money is sent for what seems to be continually decreasing services.

The Institute of Research on Public Policy, a great think-tank headed by my good friend Hugh Segal, has identified this growing irrelevance as a tremendous problem because it results in voter apathy. It is so concerned that it is in the process of conducting meetings across Canada under the banner, "Strengthening Canadian Democracy."

While it is popular to look at the Senate as the main target for parliamentary reform, I believe fundamental reform must begin with the House of Commons. The House of Commons is the confidence chamber. It is where most of the cabinet is found. It is the place where money bills originate, where the budget is presented and where, from a historical perspective, the government is to be held to account.

No one, as far as I have determined, has ever advanced the idea that the role of the House of Commons as the chamber in which the government is to be held to account should be diminished. The problem is how to balance the concepts of accountability and confidence with the increasing need for members to have some meaningful role in the policy-making process.

We have all read recently of the frustration of backbench government members, members who feel that because of the whip system and the increasing control exercised over the Commons by the Prime Minister's Office, they have no

meaningful role to play in the legislative process. They are really resigned to the role of ombudsperson for their constituents. While this is an important role, surely there is more or should be more to being a member in the House of Commons.

I have experience as an opposition MP, a backbench MP and as a minister of the Crown from 1983-88. It was during this period that many reforms to the rules of the House of Commons were proposed and, in some cases, they were adopted. The most significant flowed from the report of the Special Committee on Reform of the House of Commons chaired by the Honourable James McGrath in 1985. In all of the proposals adopted, and then in many cases disregarded, no black magic bullet was found to suddenly free the backbench member or allow the backbench member to participate to the degree they seem to want to in the legislative process — that is, to participate with a degree of independence without fear of retribution for taking positions opposite to the party leadership.

Honourable senators, a power has become concentrated in the PMO and the PCO. It has moved from the members of the House of Commons. This is an attitudinal problem which cannot be fixed by amending the rules of procedure. It will require a prime minister with the self-assurance and courage to allow dissent without retribution.

I speak of experience in this particular area as well. This is not a partisan aspect — it is consistent throughout the system, regardless of who is in power. It will require backbench members who do not wish to ingratiate themselves to the party leadership to begin to exercise independent action without the fear of retribution. Once this attitudinal hurdle is crossed, then free voting, as well as independence of thought and expression, will be seen in the House of Commons.

As part of the movement to wrestle power from the PMO, members will have to look at their committee system and their inability under the present circumstances to hold the government to account for its expenditures.

In the early 1980s, I sat on a committee with the late Ron Huntington, P.C., a member of the House of Commons who served in the 1970s and 1980s. Mr. Huntington proposed an elaborate scheme to one of the House of Commons reform committees in 1983 designed to give members real authority over government expenditures. At the time, he proposed a structure of three committees checking the Public Accounts Committee served by a large professional staff totally dedicated to the scrutiny of expenditures. However, this is hard work for which there is very little glory. As Mr. Huntington said at the time, it is a rare MP who says to the government, "Don't spend money, and especially don't spend money in my riding." Again, it is up to the members themselves to look at how they operate and how they spend their time. Committee members must, if they are to be taken seriously, challenge the basic policy premises of the government. This should be done by all committee members, not just opposition members.

Many of us will recall the work done by the House of Commons Finance Committee during much of the Mulroney mandate. It was chaired by Don Blenkarn, MP, who never backed away from a fight with his own government. The committee acted independently and could not be controlled by the party whip or the minister — but even Blenkarn could only go so far under the present system.

It is this type of independence of thought and action that will restore to the House of Commons the respectability of the institution and the respectability its members so richly deserve. It will mean that the very premises upon which legislation is drafted will be challenged. It will mean that the clauses in legislation will be challenged, not just for the sake of delay or grandstanding, but because meaningful alternatives will be proposed by both government and opposition members. It will mean that committees will undertake studies that will guide the formation of legislation to tackle major issues, not always be seen to be playing catch-up to the bureaucracy.

We can never and should never hear our Prime Minister say, and I paraphrase here the late Right Honourable Pierre Elliott Trudeau, who once said in reference to MPs that a few feet off Parliament Hill MPs are “nobodies.” To denigrate elected representatives denigrates our Parliament and the intelligence of the Canadian people.

Honourable senators, the second part of my inquiry deals with the Senate. Before we get into all the mechanics of how our chamber might be reformed, we must reflect on what we envisage as the role of this chamber. It has evolved, certainly in the last few years, to being the chamber where the government is held to account. It has become more involved in the revising of legislation than I believe was ever envisaged.

As the House of Commons has virtually abdicated its scrutiny-of-legislation role, the void has been filled by the Senate. I believe that as a federal country we must have a second chamber, and I believe it should perform the function originally designed for it — representation of the regions, minority interests and the legislative role of exercising sober second thought.

I would advocate a return of the Senate to its original purposes, recognizing of course that it can only move in this direction if the House of Commons adopts the changes that I have mentioned.

In order to exercise these powers legitimately in the minds of Canadians, senators, I believe, must be elected. As none of us here can contemplate the kind of constitutional changes necessary to implement formal Senate elections, I believe province-wide elections must be held with an undertaking by the Prime Minister to appoint the senatorial candidates with the most votes or some other form of democratic selection.

As the Senate is not to be a confidence chamber, I can envisage a time limit of 10 to 12 years being placed on senators serving in this place. However, senators in this new upper chamber, exercising the mandate originally designed for the Senate, should concentrate on federal-provincial issues and the

studying of overarching national issues. It should be from the Senate that solutions to the health care crisis and post-secondary education problems emanate. If senators have the legitimacy of popular election behind them, they can rightfully exercise influence over matters of federal-provincial policy.

The Senate, as part of the movement to remove power from the PMO, should become involved in the scrutiny of important Order-in-Council appointments. The ones that come immediately to mind are the appointments to the Bank of Canada and the Supreme Court of Canada. Why not? These are people who touch the lives of every Canadian in more significant ways than MPs do, and we certainly hold MPs up to public scrutiny.

• (1720)

I see an elected Senate functioning in a way that complements the role of the House of Commons, not a chamber that competes with the House of Commons. If we can structure reform in this way, we will all benefit, but most especially tax-paying Canadians.

Honourable senators, I move now to the third issue raised in my notice of inquiry: the numerical representation of the Western region, and especially British Columbia, in our central Parliament. Shortly after the 1988 election, Prime Minister Brian Mulroney established a royal commission on electoral reform in Canada. That commission became known as the Lortie commission. The commission held hearings across the country. In Western Canada, virtually everyone who addressed the commission complained that when they turn on their television sets in the West on election night the first thing they usually hear is that a government has been elected — a government declared elected without even considering any seats in Western Canada.

This theme of feeling irrelevant in the electoral process has resonated in the West virtually forever. A government can be elected on the basis of seats won east of the Manitoba-Ontario border. What did the Lortie commission do to address these feelings of frustration? Did it recommend a radical redistribution of seats in the House of Commons and the Senate? No, it recommended that the polls close at the same time across Canada so that we as Westerners will find out at the same time as all other Canadians that the government is elected on the basis of significant representation in central Canada. The Lortie answer was not the answer Western Canadians were searching for.

The West needs two things: increased representation in the Senate and increased representation in the House of Commons. A formula must be devised so that Canada's fastest-growing area has representation in the House of Commons that gives it the electoral clout it deserves. We as British Columbians want to have a significant number of seats so that we know we have to be taken into consideration because we have electoral clout. We want the national political parties to see that if they do not address the fundamental concerns of the people of British Columbia, Alberta, Saskatchewan, Manitoba and the northern territories, they will not win a majority government. The same must be true of the Senate. The distribution of seats must give the West the ability to make senators from Central Canada sit up and take notice of our needs.

Honourable senators, I believe our parliamentary institutions are at a crossroads. We who are here must strive to make them effective and relevant. We must also be aware of the regional alienation in Western Canada, an issue that has never been addressed in a satisfactory manner. We may not agree on the solutions for reform, but we need new ideas in this place. As a former prime minister recently said, "I support opening up the system."

I look forward to other senators joining in the debate on this inquiry, and I hope at some time — if there is not an imminent election call — that the subject matter of this inquiry will be referred to an appropriate Senate committee for in-depth consideration.

On motion of Senator Prud'homme, debate adjourned.

ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

Hon. Dan Hays (Deputy Leader of the Government), with leave of the Senate and notwithstanding rule 58(1)(h), moved:

That when the Senate adjourns today, it do stand adjourned until tomorrow, Wednesday, October 18, 2000, at 1:30 p.m.;

That at 3:30 p.m. tomorrow, if the business of the Senate has not been completed, the Speaker shall interrupt the proceedings to adjourn the Senate;

That should a division be deferred until 5:30 p.m. tomorrow, the Speaker shall interrupt the proceedings at 3:30 p.m. to suspend the sitting until 5:30 p.m. for the taking of the deferred division; and

That all matters on the Orders of the Day and on the Notice Paper, which have not been reached, shall retain their position.

Motion agreed to.

The Senate adjourned until Wednesday, October 18, 2000, at 1:30 p.m.

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• 36th PARLIAMENT

• VOLUME 138

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OFFICIAL REPORT
(HANSARD)

Wednesday, October 18, 2000

THE HONOURABLE GILDAS L. MOLGAT
SPEAKER



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(Daily index of proceedings appears at back of this issue.)

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THE SENATE

Wednesday, October 18, 2000

The Senate met at 1:30 p.m., the Speaker in the Chair.

Prayers.

SENATORS' STATEMENTS

THE SENATE

HONOURABLE GERRY ST. GERMAIN—
ANNOUNCEMENT OF CHANGE IN POLITICAL AFFILIATION

Hon. Gerry St. Germain: Honourable senators, I wish to advise you that, as of this date, I will be sitting as a Canadian Alliance senator in order, I hope, to better represent my region in British Columbia. I thank honourable senators for the cooperation that I anticipate I will get as we go forward to build a better country.

NATIONAL DEFENCE

REPLACEMENT OF SEA KING HELICOPTERS—
CHANGES TO STATEMENT OF REQUIREMENTS

Hon. J. Michael Forrestall: Honourable senators, yesterday the Leader of the Government in the Senate suggested that my questions about shipborne replacement helicopters were not well-founded.

I want to speak to you about one of my concerns regarding this matter. As many honourable senators know, the original statement of requirement was changed three times and is no longer of any relevance. We are now dealing with the MHP requirement.

Honourable senators, I will give you some examples to illustrate my concern. There has been a 35 per cent reduction in the original requirement for radius of action. There has been a 25 per cent reduction in the requirement for endurance, a 40 per cent reduction in the vertical ROC requirement, and a significant reduction in the requirement for flight in icing conditions. "Significant reduction" is a very strong term when used in the military context. There has been a 33 per cent reduction in the requirement for weapon stations, a potential 100 per cent reduction in the requirement for MAD, and reduced capability in the requirement for data recording. The requirements for EMP/TREE have been eliminated. The aircraft self protection suit has been eliminated, as has the requirement for Sonobouy Relay.

Probably 250 items have been significantly changed since the first SOR was brought forth by the military.

Later today I will ask the minister to comment on this matter and to elaborate on his answers to the questions I put to him yesterday.

THE SENATE

REAPPOINTMENT OF SENATORS

Hon. J. Bernard Boudreau (Leader of the Government and Minister of State (Atlantic Canada Opportunities Agency)): Honourable senators, yesterday in Question Period there was some reference to the reappointment of senators. I had my staff do some research and they informed me that in the past some senators who had resigned from this honourable institution were reappointed. However, the last time that happened was in 1896.

Three senators have been reappointed. They are: Senator George William Nowlan, Senator Louis R. Mason, and Senator Sir John Carling, the last of whom was reappointed in 1896.

FAMOUS FIVE

UNVEILING OF STATUES ON PARLIAMENT HILL

Hon. Joyce Fairbairn: Honourable senators, just a few minutes ago Nellie McClung, Emily Murphy, Irene Parlby, Louise McKinney and Henrietta Muir Edwards finally found a home on Parliament Hill — those famous five crusaders from Alberta who took the cause of women to the highest court of appeal at Westminster in 1929. They caused our Constitution to be changed so that women would be considered persons capable, by right, of being appointed to this chamber. The Famous Five are now forever ensconced to the left of Centre Block on Parliament Hill, a right for which they fought on our behalf.

Honourable senators, nearly everyone in this chamber has been tremendously supportive of the effort to bring the Famous Five to our precincts. On behalf of all the women in this chamber, I thank you. This is a piece of Canadian history too long unknown and too long forgotten.

As a senator from Alberta, I have no doubt why I am here. I am here because those five women had the courage, determination and spunk, 71 years ago, to go to the very top and succeed in changing our history.

Honourable senators, I believe that women in this chamber are among the most devoted members of the Senate. They come from every part of Canada and they have a sense of the worth of our country and of the people who give it its strength and character. We are proud to work here together on both sides of this chamber and we are proud to work with our male colleagues. The differences between our genders in no way change the contributions of either men or women, they just make them better, as in any creative partnership.

It is a privilege for me to stand here today. I thank all of my colleagues and I thank those five who changed the history of the Senate, and certainly changed my life.

[Translation]

OFFICIAL LANGUAGES

STATUS AS OUTLINED IN REPORT OF COMMISSIONER

Hon. Rose-Marie Losier-Cool: Honourable senators, this past October 5, Commissioner of Official Languages Dyane Adam tabled in Parliament the first annual report of her mandate. This report painted a fairly dismal picture. Over the past 15 months, the office of the commissioner received 1,800 complaints, and the commissioner's comment was:

It is unacceptable, after three decades and despite numerous interventions by successive Commissioners, that, year after year, we have to call attention to so many recurring deficiencies in federal offices designated to provide service in both official languages and have to decry the persistent inertia of federal institutions.

Honourable senators, as co-chair of the Standing Joint Committee on Official Languages, I support what the commissioner has said about linguistic duality needing to be the focal point of federal government priorities. I would add that everything must begin with the concrete assumption of political and administrative responsibility at all government levels, senior executives, the elected representatives in the other place and ourselves, honourable senators. I invite each and every one of you to integrate official languages as a fundamental value of your speech, your vision and your practices.

Honourable senators, I am as convinced as the commissioner that the challenges being faced by Canada's francophone minorities can be met if all partners cooperate with the federal government in a lead role. As the commissioner says:

By working together we will find the most long-lasting solutions and the most effective means to ensure the vitality of the minority communities and to strengthen linguistic duality in Canada.

PARLIAMENTARY PRECINCT

LOCATION OF STATUES OF PRIME MINISTERS

Hon. Marcel Prud'homme: Honourable senators, I would like to add my voice to the chorus of congratulations for the magnificent unveiling ceremony we attended today.

[English]

I should like to use this opportunity to speak of two of my deepest wishes. One is to bring Mr. Louis St. Laurent, former

prime minister of Canada, back to the Hill. I have always thought that the Hill should be for prime ministers.

I took part in a discussion yesterday about where we should place a statue of Mr. Trudeau. Someone is bound to propose that one day, and some may believe that the statue should be placed with that of Mr. St. Laurent, in front of the Supreme Court. However, some people are of the view that the statue of Mr. St. Laurent should be brought to the Hill and that statues of prime ministers who will be honoured in the future should be on the Hill as well.

I have lost my argument on this subject with the Department of Public Works three times. However, I am hopeful that the Liberal government will be sensitive to my suggestion.

• (1350)

I can no longer stand seeing the great Prime Minister — the longest-serving Prime Minister in the Commonwealth — looking down like he is being eternally punished, in a hole between the East Block and Centre Block. I made representations to Public Works about this when they dug the tunnel. They said, "Yes, we will put it in a better location," but they did not do it. They made a mistake in digging the tunnel. They redug and then they still did it.

I know Senator Carstairs is in charge of representing the Senate with respect to the future of the Hill, and the first thing that I think should be done is that Louis St. Laurent should be brought back to the Hill. The second thing is that all prime ministers of Canada should be honoured, and of course that includes Mr. Pearson and Mr. Diefenbaker. I would hope they would be on the Hill. If anything can be done, I am ready — because I am a great fan of Mr. King — to put my money where my mouth is and put up some money, if that is what is needed, so that he can be honoured in a much better way than he is at the moment.

FAMOUS FIVE

UNVEILING OF STATUES ON PARLIAMENT HILL

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, as a senator from Alberta, I wish to join with Senator Fairbairn and others in extending congratulations to those responsible for the remarkable event we witnessed today. It is the recognition on Parliament Hill of the Famous Five and, in particular, their importance to our country. They are to be commended and congratulated. They are deserving of our admiration. I should like to single out one person for special mention, Ms Frances Wright. From the initial idea of recognizing the Famous Five to the culmination today of the unveiling of a set of statues here on Parliament Hill, she has worked tirelessly and successfully, and I offer special congratulations to her.

ROUTINE PROCEEDINGS

CLERK OF THE SENATE

ANNUAL ACCOUNTS TABLED

The Hon. the Speaker: Honourable senators, I have the honour to inform the Senate that, pursuant to rule 133 of the *Rules of the Senate*, the Clerk of the Senate has laid on the Table a detailed statement of his receipts and disbursements for the fiscal year ended March 31, 2000.

MANITOBA CLAIM SETTLEMENTS IMPLEMENTATION BILL

REPORT OF COMMITTEE

Hon. Thelma J. Chalifoux, Chair of the Standing Senate Committee on Aboriginal Peoples, presented the following report:

Wednesday, October 18, 2000

The Standing Senate Committee on Aboriginal Peoples has the honour to present its

SIXTH REPORT

Your Committee, to which was referred Bill C-14, An Act respecting an agreement with the Norway House Cree Nation for the settlement of matters arising from the flooding of land, and respecting the establishment of certain reserves in the province of Manitoba, has, in obedience to the Order of Reference of October 16, 2000, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

THELMA CHALIFOUX
Chair

The Hon. the Speaker: Honourable senators, when shall this bill be read a third time?

On motion of Senator Chalifoux, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

MOTION TO REFER ANNUAL ACCOUNTS OF CLERK OF THE SENATE TO COMMITTEE ADOPTED

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(f), I move that the Clerk's accounts be referred to the Standing Committee on Internal Economy, Budgets and Administration.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

QUESTION PERIOD

HUMAN RESOURCES DEVELOPMENT

AUDITOR GENERAL'S REPORT—MISMANAGEMENT OF JOB CREATION PROGRAMS

Hon. W. David Angus: Honourable senators, yesterday, when I asked the Leader of the Government in the Senate and the new Minister of State for the Atlantic Canada Opportunities Agency a pointed question arising from the Auditor General's report into the scandal at HRDC in connection with various job programs, the minister said:

Honourable senators, I look forward to having the opportunity to read the report and respond in detail.

Surely, the minister is now aware of the contents of this report and has seen the outcry on the front pages of virtually every major national newspaper in this country. Surely, he has received a briefing from his political masters in the PMO and is now in a position to answer my question of yesterday. Is the minister now prepared to acknowledge that there was a terrible mismanagement of public funds? Is he prepared, on behalf of the government, to apologize at this time to the Canadian people for the Liberal government's appalling failure to come clean with the people of Canada and to account to them for the abuse of their rightful funds?

Hon. J. Bernard Boudreau (Leader of the Government and Minister of State (Atlantic Canada Opportunities Agency)): Honourable senators, first, I can indicate that I have received today a copy of the Auditor General's report. I must say I turned my attention first to the area which most directly concerns me with my ministerial responsibility, so I have not had an opportunity to read all of it in great detail.

With reference to HRDC, yes, the Auditor General in his report does draw attention to deficiencies, which were quite similar to the deficiencies raised in the internal audit commissioned by the minister herself. The Auditor General confirmed that these deficiencies did indeed exist. I might say that in the process as I understand it now, not having read the complete text in detail at this point, the Auditor General also indicated there was no suggestion of any criminal malfeasance or anything of that nature on the part of HRDC. That should give the public of Canada some confidence. He also said that the steps being proposed and undertaken by the minister in response to her own internal audit were an acceptable approach and would sufficiently address the problem. I think that the honourable senator and the people of the country should take comfort in that.

AUDITOR GENERAL'S REPORT

MISMANAGEMENT OF PROGRAMS IN GOVERNMENT AGENCIES

Hon. W. David Angus: Honourable senators, that answer speaks for itself, but the government leader mentioned the plan HRDC has put in place as proof that the government has taken steps to correct this appalling mismanagement, this so-called administrative problem. Is the Leader of the Government in the Senate aware that Minister Stewart's remedial plan only applied to grants and contributions delivered through HRDC, like the TJF and the CJF? What about the mismanagement and terribly improper practices, bordering on the corrupt, in the Atlantic Canada Opportunities Agency, for which the honourable leader is now responsible? What about the improper practices at CDIC? What about the police investigations into fraudulent activity, of which the honourable senator just said there was no evidence. I would ask the honourable leader to come clean with us and tell us what the terms of apology should be.

• (1400)

Hon. J. Bernard Boudreau (Leader of the Government and Minister of State (Atlantic Canada Opportunities Agency)): I think the honourable senator should be careful with his comments here. I know that he does not intend to do so, but he might create the wrong impression. I said there was no evidence of any criminal malfeasance on the part of the HRDC officials. If the honourable senator wants to include ACOA, then I would say the same thing.

From time to time, criminal investigations do take place on files related to government activity. There were tens of thousands of files dealt with by HRDC and huge numbers dealt with by ACOA. From time to time, a criminal investigation will be undertaken with respect to some of these files. In fact, there are some currently underway. I do not think that is unusual. I cannot comment on any file specifically with respect to any investigation. That is as it should be and I do not find that to be terribly surprising.

HUMAN RESOURCES DEVELOPMENT

AUDITOR GENERAL'S REPORT—MISMANAGEMENT OF JOB CREATION PROGRAMS—PROCEDURE FOR RECEIVING GRANTS

Hon. David Tkachuk: Honourable senators, I can understand why the minister does not find it surprising.

There was a Mr. Gauthier who donated \$10,000 to Mr. Chrétien's campaign and then bought land from a company that he had an interest in for \$525,000. That is pretty good. Surprisingly, he is then awarded a contract from HRDC which is now being investigated by the RCMP. Mr. Gauthier received some \$1 million in job creation grants. Then, surprisingly again, we find out from the Auditor General that this same Mr. Gauthier had another company which got a contract for \$6.3 million — and, this is hard to believe — to build telephone lines in Mali, Africa. The Auditor General makes it very clear that this

company should not have been on the list because it was not qualified to do the work in Mali, but, somehow, it was put back on the list to receive the contract. This is the same company that had given money to the Prime Minister.

Honourable senators, I am sure we would all like to have job creation grants in our provinces. What is the procedure of the Liberal government for doing so? Must you give money to the Prime Minister to get contracts, or can you just give it to a Liberal MP to get contracts? Perhaps the reason why we do not have any contracts in Saskatchewan is because we only have one Liberal MP. I want to know whether or not that is the procedure. Do you give money to the MP or to the Prime Minister?

Hon. J. Bernard Boudreau (Leader of the Government and Minister of State (Atlantic Canada Opportunities Agency)): Honourable senators, I wish to tell the honourable senator that the suggestions that he wishes to draw are simply unsupportable. There are practices which the Auditor General has identified and which we should all take seriously. The Auditor General has indicated that, in particular, with relation to HRDC, the minister is acting appropriately to deal with situations and practices that have existed for quite some time and not simply with this minister or with this government.

Honourable senators, if there are instances of anything improper or illegal being done in connection with any file, then the police will deal with it, as they should. We will stand and receive their result after they complete their investigation. I do not know that it helps to make statements which, at this stage, are completely unsupportable.

Senator Tkachuk: Honourable senators, it seems that they are supportable in one case because the RCMP is already investigating them. Perhaps we should ask the RCMP to investigate the second case. I would like to know because the Rodd Hotel and Resorts Chain received \$500,000 in low-interest loans to upgrade their resort in Prince Edward Island; the Clovelly Golf Club in St. John's got \$569,000 in 1998 and, in 1999, \$400,000. I would like to know whether this corporation and any of its officers gave a donation to the Prime Minister, to the Liberal Party or to the Liberal member of the province in which they reside?

Senator Boudreau: Honourable senators, if any donations were made, the law requires disclosure of those donations. The honourable senator should do his homework and check to see if there were any such donations.

Honourable senators, investigations occur on a regular basis whenever you deal with large volumes of commercial transactions. From time to time there will be investigations. Most of them are terminated without any action being taken. I do not have the exact number of statistics handy, but I could probably get it for the honourable senator if he so wishes. Simply because, at someone's insistence, a file is being reviewed by the RCMP, it should not lead us to make any sweeping conclusions or statements.

NATIONAL DEFENCE

REPLACEMENT OF SEA KING HELICOPTERS— CHANGES TO STATEMENT OF REQUIREMENTS

Hon. J. Michael Forrestall: Honourable senators, I am pleased that the Leader of the Government in the Senate is in the chamber today after his new appointment as Minister of State for ACOA because I want to ask him if he or anyone on his staff have bothered to ask why certain things are happening. The letter of intent for the MHP is slanted toward Eurocopter. There can be no doubt about that whatsoever. E.H. Industries has taken the government to the Canadian International Trade Tribunal; Sikorsky has threatened action if the government does not take a look at changing the certification date; and the statement of requirement has been significantly reduced for the maritime project. These are not Cold War requirements; they are modern littoral warfare requirements. I will now expand upon one or two of them.

First, there is the issue of de-icing. The honourable senator will be perfectly aware of the significance of de-icing in the North Atlantic. This capability is needed in the Atlantic in cold weather. It is a weather requirement, but it has dropped significantly in the new SOR. For what it is worth, the term is "significant reduction." That is critical. That is a very important word in military usage.

Honourable senators, my question for the minister is: Why have there been such dramatic changes in the statement of requirements? Surely, the government is aware that icing conditions did not change with the Cold War. Surely, pilots being blinded require laser protection detectors. Surely, an infrared detector is required to detect pending attack. Why have these requirements been dropped or totally eliminated in the SOR for the maritime helicopter project? Is it solely so that the Eurocopter can compete? Until these reductions were made, and on the grounds of the last go around, the Eurocopter, certainly did not qualify. Now it does, but at what expense? The de-icing capability is one of them.

• (1410)

Hon. J. Bernard Boudreau (Leader of the Government and Minister of State (Atlantic Canada Opportunities Agency)): Honourable senators, I will address the two issues in order. The honourable senator, in his comments and statements, advances the proposition that a number of competitors are being unfairly treated and that the competition is not an open and free competition. He had advanced that position over the past number of days and weeks, and, I guess, from the first moment that the competition was set in place.

The honourable senator is aware of the multi-stage nature of the competition and he believes that the situation is as he sets it out. At least one of the competitors agrees with him. EH Industries, manufacturer of the Cormorant, believe that their particular model is being disadvantaged. They have filed a complaint with the Canadian International Trade Tribunal, as they have every right to do. I assume they will argue their case.

If, as the honourable senator maintains, everyone knows the process is skewed to disadvantage this particular competitor, then I presume the tribunal will find that result and issue corrective action.

The government takes the position that the competition is fair and that all competitors who so wish may compete to meet the statement of requirements as detailed. The real issue of this competition is getting the right piece of equipment for the task that the military has decided is needed. It is not the Senate, nor the Leader of the Government in the Senate, not even the Minister of National Defence, but it is the military who decided what needs must be fulfilled.

The second point raised by the honourable senator is that the new statement of requirements is different than the previous one. As a matter of fact, it is different. We want the right piece of equipment for the task at hand. We do not want the biggest, nor the most powerful, nor the one with the most number of windows or winches. We want the right piece of equipment for the task as defined by the military.

The statement of requirements, I am informed, has been developed by the military. Presumably we can rely on their judgment in telling us what task must be fulfilled.

Senator Forrestall: Honourable senators, I have a supplementary question. I cannot let what the minister said go by without rejecting it completely out of hand. It is nonsense and he knows it. I want to tell senators what the professional military said. If I must do it again, I will.

Radius of action is 125 nautical miles and sub service is 100 nautical miles. That was changed by a 35 per cent reduction from the professional statement of requirements to today's "lowest dollar" — not "best dollar," lowest dollar.

Endurance was set at 4 hours and 30 minutes. Now it shows a 25 per cent reduction more fitting to the Eurocopter.

Full de-icing was there. Now we are down to some significant reduction like 40 per cent.

MAD, the magnetic anomaly detection system, has been eliminated, just taken out altogether. Why?

When he gives me an answer as to why these things happened, I may listen to what the honourable leader is trying to say. He is trying to tell the Canadian people that the government has set up a fair competition process. Yet the government has changed from the professional military's requirement to suit a fourth helicopter whose bid to provide equipment to four Norse nations has just been rejected, as I indicated yesterday. Why? These are my neighbours and they are the people the Leader of the Government wishes to represent. He should tell them why.

Senator Boudreau: I think the honourable senator missed the point of what I said initially. I said as clearly as I could that the statement of requirements was not prepared in any political context. It was prepared by the professional military.

The statement of requirements with the necessary capabilities was prepared based on an extensive review by the department, by the military and by the professionals, not by me.

Why was this statement changed, if it was changed, and I do believe it was changed? Perhaps it was because the role of the military and the role of the equipment itself may have changed in the last five, six or seven years. Presumably it would be wrong for Canadian taxpayers to acquire a marine helicopter that did not fit the role that the military wanted.

That does not deny the fact that a bigger, faster, heavier helicopter may exist out there, but that misses the entire point. The point is that the military has designed a statement of requirements based on what it felt should be the role of the equipment. That statement comes forward and the various competitors are free to respond to it.

Senator Forrestall: This is my last word for a while, honourable senators. Can the honourable leader give this chamber an unequivocal answer to this question: Did any member of the government direct the military to change the SOR?

Senator Boudreau: Honourable senators, the decision on the SOR, with respect to all the information I have, was made based on information and advice.

The honourable senator asked me if anyone in government directed this change. I have no idea whether a civil servant told them to put the SOR on blue paper instead of white. The information that I have to share with the honourable senator is that the role as defined by the military led to the creation of a certain statement of requirements which was then presented for the competition. That competition is now underway. There will be one winner and a bunch of disappointed companies, and that is how it goes.

Honourable senators, I will say that the competition will be fair, open and transparent.

Hon. Terry Stratton: Honourable senators, is that fair and above-board like the contracts that were let in the Prime Minister's riding? I do not think so. That is not what I have heard. I do not think heads can be held high on that one.

VISITORS IN THE GALLERY

The Hon. the Speaker *pro tempore*: Honourable senators, I am sorry to interrupt, but I should like to recognize in our gallery a delegation from the United Kingdom branch of the Commonwealth Parliamentary Association led by Mrs. Alice Mahon, Member of Parliament.

On behalf of all senators, welcome to the Senate of Canada.

HEALTH

PROFESSIONAL DEVELOPMENT EXERCISE ABOARD CRUISE SHIP IN CARIBBEAN

Hon. Terry Stratton: Honourable senators, I was wondering if you had received any phone calls lately from a cruise ship in the Caribbean. I am serious.

• (1420)

Has the government received a phone call from a senior bureaucrat on a cruise ship in the Caribbean?

Hon. J. Bernard Boudreau (Leader of the Government and Minister of State (Atlantic Canada Opportunities Agency)): I have had no phone calls from anyone on a cruise ship anywhere.

Senator Stratton: Honourable senators, I wish to know if the government has had a phone call from a Mr. Paul Cochrane, Assistant Deputy Minister for Health Canada, currently on a cruise in the Caribbean.

Senator Boudreau: Honourable senators, let me try to answer the question that I think the honourable senator is moving towards; otherwise, we will bantering back and forth for the next five minutes or so.

The honourable senator is referring to a situation where a senior government official in Health Canada was on a cruise with some other officials, and, in fact, that matter came to the attention of the government and the minister. The minister has indicated publicly, and I have the information, that the situation is being investigated. The official involved is no longer in that position, but the minister is investigating the matter and regards it as a serious issue.

Senator Stratton: Honourable senators, I am bothered fundamentally. Have you ever been to a reserve in northern Manitoba and seen the conditions of the housing there and the health care standards? How does one morally comprehend how a group can spend money taking a cruise in the Caribbean given the tragedies that are evident in that area of our province? It boggles the mind. It is another classic example of what I call "the moral values that are obviously resounding through the Liberal family." You are having a great deal of trouble at HRDC, and now we have this issue on cruise ships. How would you like it if you were a single parent on a reserve in Manitoba, broke, without even the money to see you to the end of the month, only to discover that there is a group on a cruise paid for by the federal government? Tell me where this has a moral ring to it.

Senator Boudreau: Honourable senators, I think, if we want to look at the issue seriously, it illustrates a challenge for government programs of this type. That particular funding was provided by Health Canada to the First Nation to fund a treatment centre, the Virginia Fontaine Memorial Treatment Centre, which was located on the reserve. That reserve embarked on a professional development exercise which, whether in proper judgment or otherwise, was taken aboard a cruise ship.

In fact, we have here a balance of control issue involving Health Canada as against the proper devolution of spending authority to First Nations to deal with their own health circumstances and situations. I think it is particularly regrettable in this instance that the Assistant Deputy Minister for Health Canada was along on the trip. It was not authorized travel by Health Canada, but he did attend. He was, I think, at the time the Assistant Deputy Minister for First Nations and Inuit Health. He is no longer in that position. The Minister of Health takes the situation very seriously and is investigating to ensure that this sort of thing, if at all possible, does not reoccur.

When you are not in a total-control situation with expenditure of money and when you devolve authority, as we should, you must strike a balance, and sometimes you do not always strike the appropriate balance.

Senator Stratton: Honourable senators, the program involves the treatment of 6,000 patients per year on a \$1.6-million budget, and they take the money out of that budget to go on a cruise. I look at this action as absolutely reprehensible. Then you hear about the problems in HRDC. Then you hear about problems in Transport Canada. Tell me, where will this end? Are you going to continue this charade of being the all-knowing government when you have such dirty laundry being hung out to dry in front of the electorate? We will have a lot of fun with this issue during the campaign.

Senator Boudreau: Honourable senators, the electorate will decide. I think the fiscal record of the government will stand very well in comparison to the fiscal record of previous governments.

Honourable senators, there are challenges, pressures and dynamics that occur when you devolve control and authority. If you want to maintain all of the control and all of the authority and allow no decision-making in First Nations communities, then perhaps you can institute a fiscal control mechanism or regime in which this type of thing would never happen. In fact, is that what the opposition is suggesting?

Some Hon. Senators: Apologize!

[Translation]

The Hon. the Speaker pro tempore: Honourable senators, I regret to inform you that the time allocated for Question Period is over.

[English]

Hon. Roch Bolduc: Honourable senators, may we have another five minutes?

Hon. Dan Hays (Deputy Leader of the Government): Normally we would not entertain a request for leave. This is perhaps a special situation in that we may not be here next week. If that is the case, we want to take full advantage of the presence of the Leader of the Government in the Senate to answer questions. I would propose that we give leave to extend Question Period for five minutes.

The Hon. the Speaker pro tempore: Is leave granted, honourable senators?

Hon. Senators: Agreed.

[Translation]

CANADIAN INTERNATIONAL DEVELOPMENT AGENCY

AUDITOR GENERAL'S REPORT— MISMANAGEMENT OF PROGRAMS

Hon. Roch Bolduc: Honourable senators, I would first like to congratulate and thank the Deputy Leader of the Government in the Senate for his delicacy. However, I have a question for the Leader of the Government.

I am very interested in the Auditor General's report, because I was in the profession for a long time. I can tell you, however, that I am seeing distressing things this year. This is particularly so because I have discovered not just facts, but patterns, things that move about.

The Auditor General has said that money cannot be thrown about like that without problems of mismanagement arising at some point. I note, however, that at CIDA, a seemingly independent body without a real minister and headed by public officials, it would seem that in the granting of contribution agreements, the Auditor General did not look at the thousands of contracts, but only at 30 of them, a sampling. He noted that, in 52 per cent of the cases — that is, 16 of the 30 — CIDA's rules were not followed at all. We are not talking about a little dipping here and there. We are talking about a pattern here. You understand that we are talking about 16 cases out of 30 or 52 per cent, which amounts to the majority.

• (1430)

In other words, in the majority of the cases reviewed by the Auditor General, the rules were not complied with. I would ask the Leader of the Government to explain this situation, because it is disturbing.

I will put my second question immediately. We discovered another serious pattern. Not only does the government award contracts without bidding, it also awards contracts to public servants who retire and then return through the back door the next day. And the government claims to have saved money. This is unbelievable. I would like to get an explanation. How can the government save money and, at the same time, award a contract to the same person?

[English]

Hon. J. Bernard Boudreau (Leader of the Government and Minister of State (Atlantic Canada Opportunities Agency)): Honourable senators, the Auditor General's comments with respect to CIDA are being taken very seriously by the minister. Any Auditor General's report should be taken seriously. Any specific cases that are raised will have the immediate attention of the minister and the department.

I am just checking the departmental response. In fact, the department will be initiating a process to improve the guidelines and strengthen the review process, particularly in the circumstances where non-competitive contracts are awarded.

Honourable senators, as I indicated at the start of Question Period today, I just received the full text of the Auditor General's report late this morning and I certainly intend to review it so we may be able to discuss the cases in more detail.

Some Hon. Senators: Next week.

Senator Boudreau: We will be returning later this week and perhaps next week.

Without having looked at the specific cases in detail, it is my impression that the discrepancies that have been highlighted by the Auditor General are, in some cases, not of a major character but are sufficiently serious for the minister's attention.

AGRICULTURE

PRIORITY OF RELATED PROBLEMS ON GOVERNMENT AGENDA

Hon. Leonard J. Gustafson: Honourable senators, my question is to the Leader of the Government in the Senate. More questions have probably been asked in the Senate regarding agriculture than any other area, and probably nothing is more important than the national interests of agriculture in Canada today.

I can tell honourable senators that I have been getting phone call after phone call. We in the Prairies have just found out that our durum wheat is worth \$1.37. I phoned the Grain Commission today in Winnipeg and they confirm this figure. I will be talking to the Wheat Board later.

Our farmers are in big trouble. I am not referring to marginal farmers or farmers who do not operate properly, or those who have overspent or moved in other directions.

We have been asking questions in this regard in the Senate. I fault the Alliance Party, which has done a terrible job in opposition on this issue, as much as I fault the government. They have come forward with the Agricultural Income Disaster Assistance program that has not worked. It has worked for bureaucracy. My neighbours tell me they have spent money for accountants but have received nothing.

There is a good chance my Liberal colleagues might be the government for another four years. I am realistic. Therefore, I ask the government today and whoever will form the government in the future: Will agricultural issues be a top priority? They must be, for the national interests of this country.

Hon. J. Bernard Boudreau (Leader of the Government and Minister of State (Atlantic Canada Opportunities Agency)): As the honourable senator knows, when I came to this place I did not have an extensive knowledge of agriculture or the challenges facing farmers in Western Canada. I have appreciated his efforts

over the past year or so to assist me in becoming more familiar with the challenges facing our farmers in the western part of this country. I have been helped as well by my colleague the Deputy Leader. I certainly appreciate the opportunity to have learned so much more than I had previously known.

Having said that, the honourable senator raises an important question. Where will the various parties stand in terms of the future of agriculture in Western Canada? If we are correct in assuming that there may be an election shortly, then each party in this country will have an opportunity to present its vision for agriculture in this country. It will be an ideal forum because it will allow other parties — the Alliance, the Conservatives and the NDP — to present their vision for agriculture along with that of the government. It will give the public an opportunity to judge. I am confident that the larger, broader issues that the honourable senator raises here will be addressed in the platform of the Liberal Party when that platform goes to the public of Canada in the next general election.

The Hon. the Speaker *pro tempore*: I am sorry, honourable senator, the five minutes are up.

[Translation]

ORDERS OF THE DAY

DEFENCE PRODUCTION ACT

BILL TO AMEND—MESSAGE FROM COMMONS

The Hon. the Speaker *pro tempore* informed the Senate that a message had been received from the House of Commons returning Bill S-25, to amend the Defence Production Act, and acquainting the Senate that they had passed the bill without amendment.

[English]

CANADA NATIONAL PARKS BILL

THIRD READING—MOTION IN AMENDMENT—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Banks, seconded by the Honourable Senator Chalifoux, for the third reading of Bill C-27, respecting the national parks of Canada,

And on the motion in amendment of the Honourable Senator Rossiter, seconded by the Honourable Senator Tkachuk, that the Bill, in Clause 34, be amended by deleting lines 7 to 10, sub-section 3 inclusive, on page 24 and that the further sub-sections of Clause 34 be re-numbered accordingly.

Hon. Tommy Banks: Honourable senators, with respect to the motion in amendment that was made yesterday by Honourable Senator Rossiter, I wish to acknowledge the concerns she expressed about the limitations on debate that are imposed in clause 34(3) of Bill C-27. First, I must point out what I would characterize as a slight exaggeration by the Honourable Senator Kinsella when he spoke in support of the motion. In his speech he used the word "mistake," referring to the work of the House of Commons committee that examined this bill. I am informed that the retention of the restriction to which Honourable Senator Rossiter has referred in section 34(3) was not, in fact, an oversight by the committee but a decision reached after examination of the implications of that clause.

• (1440)

I do not think that there is any imperative that requires that clauses 7 and 34 necessarily be identical. Clause 7 deals with the creation of a new park, which has always been the business of Parliament. Clause 34 deals with a review of community plans in which either House of Parliament has the right, the authority and power to reject those community plans.

Notwithstanding that, if we are to address the concerns raised in the amendment, I wish to remind all senators of the means of addressing those concerns other than by way of amendment, as mentioned by Senator Hays yesterday. We must do so, being mindful of the fact that the change we are making is not correcting a mistake but, rather, changing something which was consciously extant in the bill when it was received by the Senate.

Hon. J. Bernard Boudreau (Leader of the Government and Minister of State (Atlantic Canada Opportunities Agency)): It may be useful to honourable senators generally if I convey the contents of a letter that I have received from the minister with respect to this legislation. Then, with leave of the Senate, I would table the letter, which is an original addressed to me. It states:

Dear Senator Boudreau:

I am writing to you regarding Bill C-27, *An Act respecting the national parks of Canada*.

When I appeared before the Standing Senate Committee on Energy, the Environment and Natural Resources on June 28, 2000, an issue was raised regarding the Order in Council process laid out in the Bill for entrenching key elements of park community plans in Schedule 4 of the Act. More specifically, there is a provision in the Bill, subsection 34(3), which places a time limit on debate on motions to reject the key elements of those community plans. I understand that some senators have expressed concern about this limit on debate.

In response to the concerns that have been raised by those senators, I am prepared to recommend to our Cabinet colleagues that when the national parks legislation is next amended, this provision should be deleted.

I trust this information is helpful, and I look forward to your support for Bill C-27.

Yours sincerely,
Sheila Copps

With leave, I should like to table the letter.

The Hon. the Speaker pro tempore: Is leave granted, honourable senators?

Hon. John Lynch-Staunton (Leader of the Opposition): No.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, the letter addressed to the Leader of the Government in the Senate is a letter from Minister Copps, the Minister of Canadian Heritage, whose ministry is responsible for the official languages program of Canada. I take it that the honourable senator is tabling in both official languages that letter from the minister responsible for official languages.

Senator Boudreau: Honourable senators, the letter was addressed to me. The minister wrote it in only one official language. If the honourable senator wishes, I can have it translated and table it in both official languages at a later date.

Senator Kinsella: Not only is it preferable but it is an expectation that any minister who writes a document to be tabled in this house does so in both official languages. Surely to heavens, if any minister should be sensitive to our two official languages, it is the Minister of Canadian Heritage. I am shocked that the Leader of the Government has been placed by the Minister of Canadian Heritage in the position where he cannot table the letter in the house because he does not have it in both official languages. It is shameful.

The Hon. the Speaker pro tempore: Honourable senators, am I right in assuming that leave is not granted to table the document, which is in only one official language?

Hon. Senators: Agreed.

Hon. Eileen Rossiter: Honourable senators, I find this letter unacceptable. It states that this clause will still be in the bill until such time as the bill is amended in the future. When will that be? In five years? Can the Leader of the Government answer my question?

Senator Boudreau: Honourable senators, I can only indicate what the letter states on its face, as I have read it into the record. However, I can tell the honourable senator that earlier in this session my only other experience in this regard would have been with respect to the money laundering bill. When the Senate made its comments on Bill C-22, the Senate indicated some concern and there was an undertaking that changes would be made. In fact, those amendments were contained in Bill S-30.

I can only assume that the minister will do that at the first opportunity. I can only give honourable senators the comments I have read from the letter.

Senator Rossiter: Honourable senators, it remains that a subclause in the bill is contrary to the rules of not only this chamber but the other chamber. That is not acceptable.

Hon. David Tkachuk: Honourable senators, I do not know if it is just me, but I thought Senator Banks said it was the intention of the government not to change the bill but that this provision was intentional. I then heard the Leader of the Government read a letter from the minister saying, "We will change it sometime." Perhaps the two senators opposite could clarify exactly the intentions of the government.

Senator Banks: Honourable senators, what I said was that the government sent the bill here and consciously included clause 34(3) as it stands before us today. That clause was examined by the House of Commons committee. The minister's letter states that, in response to the concerns expressed by senators in respect of that clause, she is prepared to change what the Commons intended. There is no conflict between the two.

Senator Tkachuk: My honourable friend is very quick on his feet.

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I have a few comments to make on Bill C-27 and the proposed amendment. I wish to sum up what I think is the position of the government side in this chamber.

We have before us an important piece of legislation and we should deal with it in a timely way. An amendment was moved by Senator Rossiter. The government has put the bill forward at a time in the parliamentary schedule when it may be that we will not be sitting much longer — and I emphasize the word "may." I put it to honourable senators that the importance of dealing with the legislation is significant enough that we should dispose of it today by vote, I assume.

In terms of the concern expressed about when the minister's undertaking will be made good, I wish to emphasize that we have a recent precedent of a very quick turnaround within the same parliamentary session. In the interests of getting the legislation in place, that bill was passed with the minister's undertaking.

Having said that, honourable senators, I ask that the question be put.

The Hon. the Speaker: If no other honourable senator wishes to speak, the question is on the amendment of the Honourable Senator Rossiter.

Is it your pleasure, honourable senators, to adopt the motion in amendment?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: Will those honourable senators in favour of the motion in amendment please say "yea"?

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those honourable senators opposed to the motion in amendment please say "nay"?

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "nays" have it.

And two honourable senators having risen.

• (1450)

The Hon. the Speaker: Is there agreement as to the time of the vote?

Hon. Mabel M. DeWare: Honourable senators, I move that we have the vote later today at 5:30. I believe the deputy leader has a house order from yesterday that any votes would be taken today at 5:30.

The Hon. the Speaker: Honourable senators, insofar as the Speaker is concerned, the Speaker must follow the rules. The rules state that if a whip requests an adjournment, the vote is indeed adjourned to 5:30 the next day. Can I ask if there is agreement between the parties?

Senator Lynch-Staunton: Honourable senators, there was a house order following a motion of the Deputy Leader of the Government yesterday that, in case there was a vote today, it would automatically take place at 5:30. Because there is a special event occurring on the Hill at 5:30, we are willing to rescind that motion and agree to have the vote at 3:45 with a bell beginning at 3:30 today.

Senator Hays: Honourable senators, I appreciate the suggestion from the Leader of the Opposition. If there is unanimous consent to hold the vote prior to 5:30 this afternoon, then I suggest why not a 10-minute bell and a vote at 3:30 on the amendment to Bill C-27.

Senator Lynch-Staunton: The bells must ring for 15 minutes.

Senator Hays: Then let the bells ring at 3:15 for a vote at 3:30.

Senator Kinsella: Honourable senators, I concur with the suggestion by Senator Hays.

The Hon. the Speaker: Is it agreed, honourable senators, that we will rescind the order of yesterday to defer votes to 5:30 today and hold the vote at 3:30 with the bells to ring for 15 minutes beginning at 3:15.

Hon. Anne C. Cools: Honourable senators, I would like to ask a question. I have just walked into the chamber. Not wishing to ask anyone to repeat what has been going on for the last half hour, I thought I heard someone say that we were rescinding a motion of yesterday by unanimous consent? My understanding is that it takes a lot more than unanimous consent to rescind motions. Perhaps we can have clarification.

The Hon. the Speaker: With unanimous consent, honourable senators, we can do whatever we wish. The motion of yesterday does not hold if there is unanimous consent to rescind it. The recommendation has been made that the vote be held at 3:30 and that the bell begin to ring at 3:15.

Senator Cools: Honourable senators, it seems to me that if we want to rescind a motion, we would need a motion to rescind it. Then we would vote on that motion. We do not rescind motions simply by unanimous consent. It would take a motion saying that we are rescinding that motion. Then we would vote on that particular motion.

Senator Tkachuk: I agree.

Senator Cools: Absolutely. You must think I was born yesterday.

The Hon. the Speaker: Honourable senators, provided there is unanimous consent, the vote will take place at 3:30 with the bells ringing at 3:15. Is it agreed?

Senator Cools: His Honour cannot simply presume unanimous consent like that. It seems to me we can proceed in a very proper way. If a decision is to be taken to overturn a decision that was taken yesterday, the leader can simply put forth a motion and we could vote on that.

The Hon. the Speaker: Honourable senators, I have only one choice which is to ask one more time. Is there unanimous consent to —

Senator Cools: No.

Senator Tkachuk: Done deal.

The Hon. the Speaker: If there is not unanimous consent, then the vote will take place at 5:30. I must warn the Senate, however, about the implication of voting at 5:30, in that it will have an effect on a major event that is to take place this afternoon for the women of Canada. What is the wish of the Senate?

Senator Lynch-Staunton: That is not the wish of the Senate.

Senator Hays: Honourable senators, if I could have leave, I will make further comment. Senator Cools has objected to us proceeding with unanimous consent to vary the order of yesterday that any decisions to take a vote during our session between 1:30 and 3:30 today would be deferred to 5:30. That time coincides with an important event dealing with the Famous Five, as we heard earlier today.

Senator Cools, I believe, is referring to our rules requiring certain procedure for certain kinds of motions. I agree with His Honour that the Senate, with unanimous consent, can do what it wants. I would ask Senator Cools to reconsider whether she wishes to me to request leave to abridge the time to give notice of a motion, and then to deal with a motion.

I am prepared to do that with unanimous consent, but it seems to me that the more efficient way to achieve our objective would

be by unanimous consent of this chamber to vote at the time we all wish.

Senator Kinsella: Honourable senators, I have a suggestion. We have a house order to adjourn at 3:30 so that committees can sit. I therefore ask the consent of the house to encroach upon committee time so that, at 3:30, at which time we were to rise anyway, the bells will ring and that we vote at 3:45.

Senator Hays: I would agree.

The Hon. the Speaker: Is there unanimous consent, honourable senators, to have the bells ring at 3:30 with the vote at 3:45?

Hon. Senators: Agreed.

The Hon. the Speaker: There is unanimous consent.

DIVORCE ACT

BILL TO AMEND—SECOND READING—ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Cools, seconded by the Honourable Senator Chalifoux, for the second reading of Bill S-12, to amend the Divorce Act (child of the marriage).—(*Honourable Senator Sparrow*).

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I rise at this time because I have been requested to ensure that this matter is available on the Order Paper to be spoken to later this week. This is a motion by a senator to have a private, public bill passed.

• (1500)

While it has been on our Order Paper for some time, moved and spoken to, there may be senators who wish to speak to it later this week or next week or subsequently. The purpose of my speech today, which I am now concluding, is to extend the time for senators to address this order.

Order stands.

CONSTITUTIONAL ROLE OF SENATE

MOTION TO INFORM HOUSE OF COMMONS OF INTENTIONS TO PROTECT STATUS—DEBATE SUSPENDED

On the Order:

Resuming debate on the motion of the Honourable Senator Taylor, seconded by the Honourable Senator Watt:

That the Senate of Canada views with grave concern the increasingly frequent practice of the House of Commons to debate and pass legislation which ignores the constitutional role of the Senate, the rights of our aboriginal peoples and official minority language groups;

That the Senate will continue to maintain its legitimate constitutional status by amending any bill that fails to recognize the constitutional roles enjoyed by both Houses of Parliament; and

That a Message be sent to the House of Commons to acquaint that House accordingly.—(*Honourable Senator Kinsella*).

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, we have had this motion before us sufficient time to study it. To make a long story short, I think it is a good motion. It is part of the mopping-up operation from our experience with Bill C-20. I think it would be to the benefit of the Senate if we endorsed this motion.

Hon. John Lynch-Staunton (Leader of the Opposition): I would support this motion also, honourable senators, except I am wondering if we know exactly what we are getting into. While it is not procedurally correct to question the sponsor of the motion, perhaps with leave I would be allowed to ask a question that I think is essential to the understanding of it.

The Hon. the Speaker: Is leave granted, honourable senators, for a question to Honourable Senator Taylor?

Hon. Senators: Agreed.

Senator Lynch-Staunton: Honourable senators, I read the second paragraph of the motion to mean that we are binding the Senate on certain occasions to introduce into bills the necessary corrections, without argument, where we feel the Senate is being neglected from a constitutional point of view. We are being asked to vote that the Senate will continue to maintain its legitimate constitutional status by amending "any bill that fails to recognize," et cetera. If we are to vote in that way, we are actually, to my mind, binding the Senate to take a particular position, not only in debate, but by introducing an amendment to a bill where it feels it is being constitutionally neglected. I am quite satisfied that we should do that, but I wonder if the implications of such an interpretation have been recognized and understood.

Hon. Nicholas W. Taylor: Actually, I think the honourable senator is ahead of me. The drafting of the motion was to slap the wrist of the House of Commons in that particular time sequence in debate. I guess the old joke is to say, "That is once." In other words, we are flashing a warning to the House of Commons that we will not stand idly by to be ignored in future motions and future bills.

Hon. Jeremiah S. Grafstein: Could I ask the honourable senator a question?

The Hon. the Speaker: Honourable senators, I think we getting into dangerous territory here. Senator Taylor has the right to close the debate. It is up to the Senate. If honourable senators wish to ask Senator Taylor a series of questions at this point, that can be done with leave of the Senate. However, it is not the regular practice. What is the wish of honourable senators?

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, Senator Lynch-Staunton asked for leave to ask a question of Senator Taylor, the sponsor of the bill. I would ask that leave be granted for other senators to ask questions as well.

The Hon. the Speaker: Is leave granted, honourable senators, for other senators to ask questions of Honourable Senator Taylor and, of course, for Honourable Senator Taylor to respond?

Hon. Senators: Agreed.

Senator Lynch-Staunton: I am not sure whether I understood Senator Taylor. I know he is sending a warning to the House, and that is fine, but with that warning I believe we will be sending to the House the message that we are directing ourselves and our successors to take certain actions on certain bills if we feel that the Senate is being constitutionally neglected. We are binding the Senate. I wonder whether the government is aware of this proposed course of action and its implications. I am all for it, but perhaps we would need a legal opinion. Is this binding on the Senate, or is it just wishful thinking? Are we merely sending a notice to the House about the clarity bill and the 46 other acts, Senator Grafstein told us about this morning, where the Senate is not part of the legislation? Are we merely telling the House that we are frustrated by its treatment of us as second-class citizens, or are we telling them that from now on, if it continues to neglect us, we will ensure that the neglect is erased by introducing ourselves as a body in legislation where we are ignored? Are we telling it that in a sense of frustration, or as a firm decision of this body, which, once passed as a motion here, is binding until it is rescinded or amended?

Senator Taylor: Honourable senators, I can go further. Senator Lynch-Staunton takes an interpretation stronger than I intended in the motion, but one of which I approve. My intention in using the words "the Senate will continue to maintain" is not quite as strong as the words "the Senate will exercise its legitimate constitutional status." It will continue to maintain its legitimate constitutional status. Perhaps I am splitting English, but to me that means buyer beware, or *caveat emptor*, and we will maintain our right to amend any bill. That does not mean that we will amend every bill that comes to us. There is a slight difference. I am quite happy if everyone interprets the motion the way Senator Lynch-Staunton does, but that was not my intention. I just thought that the words "maintain its legitimate constitutional status" were a little softer than the words "will continue its constitutional status." In other words, "to maintain" softens the concept a bit.

Senator Lynch-Staunton: In reading the French version, I find that my interpretation may be a little stronger than that. The French version says, "en amendant tout projet de loi," which is the same in English as saying "every bill," not "on occasion" or "sometimes," but that we will maintain our status by amending "every bill. I find that more of a directive than a pious wish. I do not want to delay a vote on this motion, but perhaps to be on safe ground we could, by tomorrow, get a legal opinion. If that cannot be done, I am just as happy to let it go, but there might be problems with interpretation which may not even coincide with either Senator Taylor's or mine.

Senator Grafstein: Honourable senators, I agree with the sentiments in this resolution, but it strikes me that there is another way of dealing with the motion that is consistent with the constitutional role of the Senate. The constitutional role of the Senate is to amend any bill that comes to it by exercising its full legislative authority, subject to the caveat concerning money matters.

However, honourable senators, rather than sending a warning or an admonition, would not the better approach be to exercise the statutory, legislative and constitutional powers that we have to correct the errors, either by omission or commission, in legislation where the Senate is absent contrary to the Constitution? We know of at least 46 measures where that is the case. Would it not be preferable, as opposed to sending an empty warning to a chamber that does not seem to listen to empty warnings, to support our sentiments with legislative action and present bills that would, in fact, correct the mishaps of the past?

As opposed to getting into a legal matter as to whether we should be dealing with the other chamber, perhaps we should take a look at ourselves, exercise our own powers, clean up our own house, and then send them a message in legislative form that will determine how they respond.

I am not disagreeing with the honourable senator. The sentiments here have been expressed on both sides. However, the question is how to accomplish the objective. By sentiment or by legislative action? I prefer legislative action.

That is the question.

Senator Taylor: I do not see why one precludes the other. I would think that we could pass this motion and still proceed, as the honourable senator suggests, with a bill next year. This effort will hit the mule between the ears with a club. We could follow up with a bigger club.

We also have on the Order Paper a motion by the Honourable Senator Kinsella. There are a number of people who are trying to crowd through the same door, but this one is fairly general and I do not think it precludes any action related to the other two.

Hon. Anne C. Cools: Honourable senators, some of the questions that Senator Lynch-Staunton has raised are interesting. On looking at the motion, it seems to me that there are a few problems. The issue should be well debated and well canvassed. I am prepared to take the adjournment of the debate, if necessary, to do a bit more work before I take the opportunity to speak to it.

One has to try to confront the goal and intended consequences of this motion. From what I can see, the motion is attempting to send an opinion of strong disapproval from the Senate to the House of Commons. That seems to be the intended objective of the motion. That is strongly spelled out and suggested in the latter part of the motion with the words:

That the Senate will continue to maintain its legitimate constitutional status by amending any bill that fails to

recognize the constitutional roles enjoyed by both Houses of Parliament.

Without any doubt, that part of the motion states very clearly that the House of Commons is not prepared to maintain the legitimate constitutional status of the Senate's role. Therefore, it seems to me that the second part of the motion contains a very interesting, definitive and conclusive judgment in respect of the legitimate constitutional status of this chamber.

This motion makes a serious statement and we should understand that it is very serious. Whether or not the House of Commons will take it seriously is another question. However, they often do not take us very seriously, but it seems to me that that is a different question.

If we were to look at the first part of the motion, and there are some problems in the drafting of it, it suggests that the House of Commons is debating and passing legislation. When Senator Taylor said "pass legislation," he meant the word "bills," because legislation is not legislation until it has passed three readings in this as well as the other chamber. In the interests of industry and clarity — and we know a lot about clarity — perhaps Senator Taylor may want to replace the word "legislation" with the word "bills."

Very clearly, honourable senators, we should ponder this motion a bit. We should debate it. We should bring forth a few more arguments and try to discern what we are really trying to say. If the real intention is to pass judgment on the ministry for bringing bills for vote in the House of Commons without including the Senate, then the motion should say so. If the motion is intended as some sort of a statement of condemnation, non-confidence in or censure of the ministry, of the cabinet, it should say so. What we have right now is a motion that has a degree of confusion in respect of the judgment it is asking the Senate to make. Before this motion is put to a vote, honourable senators should be crystal clear on the judgment that they are being asked to make.

At the end of this little interlude, I would be quite happy to move the adjournment, as this particular motion, were it to carry, would be a little novel in the history of relations between the two chambers. There are many concerns here that should be weighed very carefully.

Senator Lynch-Staunton said that we need a legal opinion. The truth is that we do not need a legal opinion. What is required is a parliamentary opinion and also a political opinion, on this particular Parliament and what is the proper relationship between the House of Commons and the Senate and, in particular, the proper relationship between the Government of Canada these days in relation to the Senate.

As I said before, this motion on the surface seems pretty clear-cut, but a little bit of scrutiny sees that it brings a host of problems. Perhaps we should slow it down and move on it with a bit more certainty and look for a lot more clarification.

Senator Hays: Honourable senators, I would like to speak to this motion. I understand that after we have heard from everyone the debate will be adjourned by Senator Cools. I have no problem with that.

In attempting to follow what Senator Cools has said, there seems to be a certain ambiguity about what the motion means, and that has been drawn to our attention by Senator Lynch-Staunton's question to Senator Taylor. Senator Lynch-Staunton read it in the French version, "en amendant tout projet de loi," compared to "by amending any bill." The French is stronger in that it refers to "all bills," whereas the English version refers to "any bills."

Senators Taylor and Lynch-Staunton disagree on what Senator Taylor's motion is intended to do. Is it permissive or is it mandatory? One says permissive, but he does not mind it being mandatory; the other says it is mandatory.

The Senate has plenty of power, and Senator Grafstein is always seeking to do a good job in correcting legislation. We do not always agree but in the end we vote on it and pass or not pass a particular bill, motion or whatever.

I believe Senator Cools is right. If the desire is to make it mandatory, I do not think the wording is good enough the way it is, and it would fall into the kind of initiative that is reflected in Senator Kinsella's change to the rules.

• (1520)

In other words, if certain events occur with respect to a province seeking to go to its people for advice in a referendum on secession, then certain things will happen here. That clearly is a way for the Senate to affect the way it uses its power.

Honourable senators, the Senate cannot give itself any more power. It can restrict its use of power or it can determine the way in which its power is used. I believe that Senator Kinsella's motion to change the rules is a proper way to set out how the Senate would react in the circumstances he described, and that matter was referred to the Rules Committee for study.

It is probably not a good idea, as Senator Cools points out, to try in a general sense to do something on a parallel basis like that — not just with respect to a matter of import such as the clarity bill but on all bills. The interpretation might follow that virtually every time a bill comes to us, the Senate is obliged to look at its constitutional role and make amendments in accordance with something that is not clear here.

I will await, with interest, further remarks on this issue. When we do come to a vote, we may agree — and I do not think that this is the case, that it is a mandatory direction to the Senate — to adjoint Senator Kinsella's motion on the change to the rules in terms of the Rules Committee looking at the matter.

Hon. Herbert O. Sparrow: Honourable senators, I should like to ask the sponsor a further question.

It seems to me that this is a directive to the Senate itself, that we have not been doing our duty in the past and we are now endeavouring to make a change so we can play our proper role. The last paragraph of the motion indicates that a message be sent to the House of Commons to acquaint that House accordingly. However, it seems to me that we are masters in our own house. We are only directing and reinforcing the position we should be taking, and we are doing it in the form of a motion that would remind us of the decision we are making today. This motion is really none of the business of the House of Commons.

Is that correct? That is the question.

Senator Taylor: Honourable senators, one parliamentary rule is that one should never pour turpentine on one's seatmates, so I will be careful about the intervention on the legislation. I use the word "legislation" rather than "bill," which is used advisedly because motions and other things come forward as well.

Senator Sparrow hit the nail on the head. I believe that 16 bills, as Minister Dion pointed out, have gone through the House and ignored the constitutional role of the Senate. These bills may be used as examples of precedents and as a new order now.

Honourable senators, we will look at every bill. We are not necessarily asleep at the switch, but how do members of the House of Commons know that we care?

Senator Sparrow is quite correct. The purpose of this motion is to tell ourselves that if we are worried about the Senate being included in the study of all bills, as all sides agreed to in Bill C-20, we should tell that to the other place so that they do not come back to us and say, "Well, everything was fine last year and the year before, so what is different now?" In other words, this is a message to the other House that from now on we will look at having the Senate represented in a true bicameral system. This is notice to ourselves to wake up and smell the coffee, and, at the same time, let the other House know that we will be smelling the coffee.

Senator Hays: Honourable senators, perhaps Senator Taylor could weigh what I am about to say.

This motion will send a message to the House of Commons asking it to stop doing something, but the debate has changed. Senator Sparrow's question has highlighted that by saying that it does not matter; do not even bother sending the message over there. The message is most important to us. Could the senator weigh what he had in mind? Did the honourable senator want to have the House of Commons change its ways or the Senate to change its ways?

Senator Taylor: I will give the deputy leader a classic Liberal answer: fifty-fifty.

Senator Lynch-Staunton: If this motion passes, will Senator Taylor be willing to make it retroactive to Bill C-20 and propose the appropriate amendment?

Senator Taylor: Yes.

Hon. Serge Joyal: Honourable senators, this motion is very important because it raises the issue of our constitutional duties. I am of the opinion that the Senate has no choice but to exercise its duties. We cannot decide to exercise our duties on one bill and not on another. We are commanded by the Constitution to advise Her Majesty and provide our consent and support to legislation. Any legislation that removes us from consent and support, in my opinion, is not serving the constitutional duty that we have, according to section 18 of the Constitution Act.

The first thing we must do, honourable senators, is to put our house in order. The preliminary study that I have gone through shows that 43 bills have been adopted in the last 100 years without the Senate's status being properly recognized. The honourable senator has said that there were 16 bills, which is a very preliminary count. The preoccupation we have is that it seems there has been an acceleration of bills in this Parliament, which is supposed to be close to an end. This Parliament has seen a proliferation of such bills with clauses that omitted the full recognition of the status of the Senate. There is Bill C-16, which we will deal with at the Standing Senate Committee on Legal and Constitutional Affairs this afternoon. Bill C-16 contains clause 24, which does not include the Senate on an equal par with the other place.

Honourable senators, the electoral bill, which we adopted before the summer adjournment, did not recognize the status of the Senate. We passed it on because we had a formal commitment of the minister responsible, the Honourable Government House Leader, to come back with an amendment.

We passed Bill C-23, dealing with the environment, which omitted the Senate's status, and it is through the representations of this house that it was amended before it came here.

Another bill in the other place, Bill C-38, the financial services bill, omitted the status of the Standing Senate Committee on Banking, Trade and Commerce on any study of merger. I could recite a whole list of these omissions.

Honourable senators, I should like the thoughts of my colleague on my understanding that when we are of the opinion that a bill has omitted our status, we must act according to our responsibility, which is to amend the bill. I have been in the Senate for almost three years. I have shared with my fellow senators that commitment to introduce amendments, or to vote for amendments or to seek amendments or a commitment later on, because I think it is a bad habit that there are numerous bills

that do not deal properly with our status.

Honourable senators, I believe that the first step is not to send a notice to the other place. We are a mature house of legislation and we must assume our total responsibility. Therefore, is the honourable senator not of the opinion that the first thing to do is to amend the bill?

The Hon. the Speaker *pro tempore*: Honourable senators, pursuant to the order adopted earlier today, I must interrupt the proceedings to order the bells to ring for 15 minutes for the purpose of taking the standing vote concerning the amendment of Bill C-27.

Debate suspended.

● (1540)

CANADA NATIONAL PARKS BILL

THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Banks, seconded by the Honourable Senator Chalifoux, for the third reading of Bill C-27, respecting the national parks of Canada,

And on the motion in amendment of the Honourable Senator Rossiter, seconded by the Honourable Senator Tkachuk, that the Bill, in Clause 34, be amended by deleting lines 7 to 10, sub-section 3 inclusive, on page 24 and that the further sub-sections of Clause 34 be re-numbered accordingly.

The Hon. the Speaker *pro tempore*: Honourable senators, the question is on the motion in amendment of the Honourable Senator Rossiter.

Motion in amendment of Senator Rossiter negated on the following division:

YEAS

THE HONOURABLE SENATORS

Andreychuk	Kinsella
Beaudoin	LeBreton
Buchanan	Lynch-Staunton
Cochrane	Meighen
Cohen	Nolin
Comeau	Rossiter
DeWare	Stratton
Forrestall	Tkachuk—17
Gustafson	

NAYS

THE HONOURABLE SENATORS

Adams	Kirby
Bacon	Kolber
Banks	Kroft
Boudreau	Lawson
Bryden	Maheu
Callbeck	Mahovlich
Carstairs	Mercier
Chalifoux	Milne
Christensen	Moore
Cook	Pearson
Cools	Pépin
Corbin	Poy
De Bané	Robichaud
Fairbairn	(<i>L'Acadie-Acadia</i>)
Ferretti Barth	Robichaud
Finnerty	(<i>Saint-Louis-de-Kent</i>)
Fitzpatrick	Rompkey
Gauthier	Setlakwe
Gill	Sibbeston
Grafstein	Sparrow
Graham	Spivak
Hays	Squires
Hervieux-Payette	Taylor
Johnson	Watt
Joyal	Wiebe
Kennedy	Wilson—51
Kenny	

ABSTENTIONS

THE HONOURABLE SENATORS

Prud'homme—1

The Hon. the Speaker *pro tempore*: Honourable senators, is the house ready for the question on the main motion for the third reading of Bill C-27?

Hon. Senators: Agreed.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Yes.

Some Hon. Senators: On division.

Motion agreed to and bill read third time and passed, on division.

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

ORGANIZATION FOR SECURITY AND CO-OPERATION
IN EUROPE—NINTH ANNUAL MEETING OF PARLIAMENTARY
ASSEMBLY—REPORT OF CANADIAN DELEGATION TABLED

Leave having been given to revert to Tabling of Reports from Inter-Parliamentary Delegations:

Hon. Jeremiah S. Grafstein: Honourable senators, I have the honour to table the report of the Canadian delegation of the Canada-Europe Parliamentary Association, OSCE, to the Organization for Security and Co-operation in Europe Parliamentary Assembly, ninth annual session, that took place in Bucharest, Romania, from July 6 to 10, 2000.

BUSINESS OF THE SENATE

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I request that all items on the Order Paper and Notice Paper that have not been reached stand in their place.

The Hon. the Speaker *pro tempore*: Is it agreed, honourable senators?

Hon. Senators: Agreed.

The Senate adjourned until tomorrow at 2 p.m.

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(HANSARD)

Thursday, October 19, 2000



THE HONOURABLE GILDAS L. MOLGAT
SPEAKER

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THE SENATE

Thursday, October 19, 2000

The Senate met at 2 p.m., the Speaker in the Chair.

Prayers.

[Translation]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to some distinguished visitors in our gallery. I am referring to a group of four chiefs from the Lower North Shore and Shefferville, Chiefs Pietacho, Bellefleur, Lalo and Gauthier. They are accompanied by their delegation, and they come from Senator Gill's region.

On behalf of all senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!

[English]

• (1410)

THE HONOURABLE LOUIS J. ROBICHAUD, P.C., Q.C., C.C.

TRIBUTES ON RETIREMENT

Hon. John G. Bryden: Honourable senators, six years ago next month, I was honoured to be asked by the Prime Minister of Canada to become a member of the Senate. I know some think the time has gone quickly. I was equally honoured at that time when Senator Louis Robichaud called and offered to be my sponsor in the Senate.

I have known Senator Robichaud for a considerable period of time. However, unlike what most people would think, we have not been long-term friends, acquaintances or, indeed, even political allies, for I was in Philadelphia attending university during most of the time that Senator Robichaud was premier of the Province of New Brunswick from 1960 to 1970. I remember that I voted for the former premier Robichaud on two occasions. The first time was in 1963, when I happened to be home on holiday. Before I cast my ballot at the polling booth in the little community of Bayfield, I asked my mother for whom I should vote. She advised me that I should vote for the ticket. We had a ticket at that time with several names on it. I voted the ticket and Louis Robichaud was returned as premier of the Province of New Brunswick.

I first met Louis Robichaud on a personal basis when someone spread the rumour around the Centennial Building that I was being considered for the position of deputy minister of justice. Senator Kinsella is smiling because it was Robert Pichette who said, "I heard that." Louis will also remember this. Pichette said, "If you are interested, you should go tell the boss that you are interested." I made an appointment and I went in.

I was an advisor to the cabinet, which was chaired by the premier. However, I had never had a direct personal conversation with the premier of my province until that time, which was about 1969. I told him that I was young and bright and had a lot of potential. I told him not to pay any attention to those old codgers who wanted to retire. As he tended to do, he accepted good advice, and a few weeks later I became deputy minister of justice.

The second time I had a personal conversation with Louis Robichaud was in 1970, after Richard Hatfield won the election and it was clear that Louis Robichaud would not continue as leader of the Liberal Party after his 10 years as premier. Because of things that I will talk about later on, it was clear to me as well that I would not continue as deputy minister of justice. I resigned, which is another story.

There was a method in my madness, and it was, as I think of it now, very much madness. I decided that Johnny, who was 30-some years old and who had never run for political office — in fact, I had never been involved in politics and did not even carry any sort of card — should run for the leadership of the Liberal Party once the premier resigned. Therefore, I made another appointment to see Premier Robichaud. I did what we Liberals usually do, namely, paid homage and said, "As long as you want to remain as leader you have my total support. I just wanted you to be the first one to know that if and when you are ready to resign as leader, I will be seeking to succeed you." Premier Robichaud was sitting in a chair at the side of his work table with his head bowed. He looked up and said, "Young man, you have no constituency," to which I replied, "No." He said, "You do not have a snowball's chance in hell; but you are bright and energetic, and I will do nothing to stop you." He was right about the "no snowball's chance in hell" part of his statement, although, as those senators who are from New Brunswick know, it was a good run.

The reason I say that is because some of what I will talk about occurred with me as, hopefully, an interested observer of the scene in New Brunswick and not at that stage a political partisan taking partisan positions. That is not to say that I am not partisan now.

Some honourable senators who sit opposite, as well as those who sit on this side of the chamber, I think will agree that when the history of New Brunswick is written, it will record that no premier in the province's history had a bigger impact on the lives or citizens of New Brunswick than did Louis J. Robichaud. Let me attempt to explain why.

Honourable senators, Senator Robichaud was premier of the Province of New Brunswick from 1960 to 1970. He defeated Hugh John Flemming in 1960 and was defeated by Premier Richard Hatfield in 1970. In order to appreciate the impact that he made, we must understand the situation that existed in the province of New Brunswick, probably in other provinces as well, in the late 1950s. At that time, the services that were provided to the people were local; that is to say, the province was organized on a county, municipal, village and town basis. Health, education, social services and justice were all administered at the local level. Funds were raised on that level to provide the services and they were dispensed from that level. The result was that certain areas of the province of New Brunswick had administrations of health, education, social services equal to anything in the nation. I am looking at Senator Cohen when I say that. If one lived in Rothesay, the schools were good, as were the health services. If one lived in Fredericton, the same thing was true. However, the services in places like Napadogan or Lamèque were not so good because taxes were raised on the local tax base. In some of these communities, there was no tax base. If there was a tax base, there was no income with which to pay the taxes. I used this example in talking to someone the other day. I referred to a widow or a single mother of three with no means of support. Her option was to go from Botsford in Westmorland County, which is where I live, up to the county seat in Dorchester to apply for assistance. In some instances, there was very little assistance available because the tax revenue was not there. Her only option would be to throw herself on the charity of some church or something of that nature. There was no such thing as a food bank.

• (1420)

The disparity within our province was absolutely dramatic. Service levels went all the way from some of the best services in the nation to conditions in much of the province comparable to those found in many Third World countries today.

Around 1965 or so — with some licence because I have not researched the date carefully — the government of Louis Robichaud introduced a program called the Program of Equal Opportunity, or PEO. If I were to use those terms in New Brunswick even today, everyone would know what I was talking about, even those who were not there then.

The policy was simple. The government said it would remove the responsibility to provide these services from the local communities that could not afford the support. Instead, service delivery for the areas of health, education, social services and the administration of justice would become a provincial responsibility. There was nothing wrong with that. It made pretty good sense.

The second part of the policy was to raise taxes on a provincial basis so that everyone would be entitled to health services, education services, social services and for the equal administration of justice.

If Louis Robichaud had fired a gun, he could not have started a more significant revolution. The elite — the establishment — were benefiting greatly from the fact that those who lived in certain places could afford the very best for their kids; it was great. I can remember these phrases being used: "Who does he think he is? Robin Hood? He will rob from us, take money from Saint John, from Fredericton, from Moncton, and give it to people on the North Shore." Besides the fact that they were poor and that they lived away up there, they were French.

It was a very difficult time, honourable senators. The person who ended up being vilified, being the personified target of their great emotion — almost hatred — was Premier Robichaud.

As I indicated, I had been away for most of that period. When I returned in 1966, I had two children. My wife was working to help pay bills and I was going to law school. I needed a job. One of the people I called was a guy by the name of Michael Wardell. He is a Brit who was the owner and publisher of the *Daily Gleaner* and *The Atlantic Advocate*. He gave me a job as assistant editor to *The Atlantic Advocate*.

At this time, remember, I had no political persuasion one way or the other, but I was an interested observer and my office as assistant editor was next door to Michael Wardell's office. There, in the old McNeil Building, the walls were paper-thin, so I could hear everything that went on. If honourable senators had heard the conversations and the names that were used to describe the first officer in the legislature of our province, it would have made your hair stand on end. Day after day after day, as some of us remember, the newspapers simply vilified Senator Robichaud.

The cartoonist had a direction from the publisher to draw a cartoon every day portraying Louis Robichaud as a dictator. Every cartoon portrayed Louis Robichaud with a little moustache. "Little Hitler" was written across the top. Swastikas were drawn on his arm. "The dictator is dictating to us all the things we should do after we have worked so hard for our money."

I later found out that an unbelievable amount of pressure had been brought to bear on then premier Robichaud to withdraw the program, pressure from his own people. He stood almost alone. I say "almost" because I want to mention a couple of names, the first of which honourable senators will recognize, namely, Senator Charles McElman, who was executive assistant to the premier. Some senators from New Brunswick will also recognize the second name, that of André Richard, who was the minister of public works.

Primarily, though, Louis Robichaud stood alone. He was able to hold his caucus together and drive that program through. Looking at it today, one would say it was just equity and fairness, but that was not how it was seen at that time.

The program was introduced, even though there was some thought that the public service could not be trusted to implement it. This was before my time, but people whose names some of us will recognize were engaged by the government to implement the program. Dr. Alan Sinclair, who is now deceased, drafted the program. Fred Drummie and Nick Mulder, who had retired from Ottawa as deputy ministers, were the leads in the offices of the Program of Equal Opportunity.

Once the program was driven through and put in place, the emphasis switched to finding someone who could defeat that man and his government who had done this to those whose interests were offended. They changed the world, basically, and they found Charlie Van Horne in Texas. Charlie Van Horne is famous in New Brunswick for having won an election to become a member of Parliament on the basis that he would build a new bridge between Campbellton and Quebec if he won and then he would quit. By golly, he did just that. He won the election, built the bridge and quit. That is pretty good for a politician; he kept his word and then wandered off.

Michael Wardell was part of Van Horne's recruitment. Now, Michael Wardell wore a patch on his eye. I asked him one day what had happened. He lost his eye riding to the hounds with Edward; that is, Edward of Wallis Simpson fame. As they were riding to the hounds, Edward's horse jumped over a hedge; Wardell's horse stopped and Wardell went through the hedge. A thorn from a hawthorn bush went through his eye, so he wore this impressive eye patch, which probably affected his whole nature.

Maclean's magazine published a photo at about that time. It was taken on Queen Street in Fredericton. Charlie Van Horne was sitting in his white Cadillac convertible, with his white Stetson, being interviewed by a journalist from *Maclean's*. Lying in the glove compartment of the white Cadillac was a pearl-handled revolver. This was the person who had been brought to defeat Louis.

• (1430)

To make a long story short — you will probably say it is already too long — the election was held in 1967. Premier Robichaud, Senator Robichaud, recruited a local lawyer in Campbellton to run against Charlie Van Horn. His name was Wilfred Senechell. Wilfred Senechell was not everyone's cup of tea, but he was one fighter of a politician. He kept Mr. Van Horne at home, and he defeated him. As a result of that, Premier Robichaud was able to continue for another three years and finally get in place the reforms that were required.

At the end of that term in 1970, Richard Hatfield defeated the Robichaud government. Just to show how things had changed in a relatively short period of time, to Richard Hatfield's everlasting credit, he refused to tear down the new system and in fact went a long way toward making final improvements — in particular, in relation to the integration and the closeness of the two linguistic groups.

It is probably the case that without that particular effort made by the man to whom we are paying tribute today and who is retiring from public life, the province of New Brunswick would be a dramatically different place than it is now.

Honourable senators, I claim no right to represent the tens of thousands of New Brunswick citizens whose lives were dramatically improved and whose province is a far better place because of the vision of Louis Robichaud, and because of his stamina, which some would describe as a basic stubbornness and a desire to never give up. However, I am here, and I have the opportunity to say, "Thank you for what you did for our province." Using the levers of party dynamics, you brought about a revolution, peacefully and democratically, that transformed and enriched our province forever. New Brunswick today is a microcosm of our nation. With our aboriginal nations, our Acadian and Loyalist heritage, our tolerant bilingual and multicultural society, we enter the 21st century and the new millennium with confidence, optimism and pride.

You, Senator Robichaud, Mr. Premier, are one of the principal architects, and we thank you for that. To you and Jacqueline, have a long and wonderful retirement.

Hon. Brenda M. Robertson: Honourable senators, today marks one of those all-too-rare occasions when we set aside our partisan differences to honour a special member of this chamber. After nearly half a century of service to the people of Canada, the Honourable Louis Joseph Robichaud is officially retiring from public life. Hopefully, his wise counsel will continue to be offered when he senses a need for intervention in the issues of the day.

Honourable senators, as a Progressive Conservative who emphasizes the term "progressive," I have come to be an unabashed admirer of the man known by many in my province as "Little Louis." He is purely and simply a great New Brunswicker and a great Canadian.

How quickly time passes. It is difficult to accept, Senator Robichaud, that it was 48 years ago, in 1952, when the Hugh John Flemming government was elected in New Brunswick and that you, a young lawyer, were chosen by the voters of Kent County to serve as a member of the Liberal opposition. Your English back then was rudimentary, your political experience limited, and your seat in the legislature, it was felt by some, to be owed more to the traditional voting habit of Kent County than any abilities you might have. How wrong that observation was.

Perhaps unwittingly, the electors of Kent County had sent to the legislature a man who, in his early thirties, would become Premier of New Brunswick and undertake necessary reforms, the effects of which are as real today as they were more than four decades ago.

Through the first six years of Conservative government, Louis Robichaud mastered English to become a fearsome debater in both languages. His abilities lead to his being named opposition financial critic and, in 1958, he won a hard-fought battle to become leader of his party.

The traditionalists in the Conservative Party shrugged you off, Louis. You were an upstart, a young lawyer from Kent County with no experience, and, good Lord, besides, you were an Acadian. Premier Hugh John Flemming had nothing to worry about. To say the least, the PC Party of the day was somewhat smug and condescending. About two years later, in a province where language was often an underlying issue in political battles, Louis Robichaud broke through the linguistic barriers to become the first Acadian premier of our province.

I say to you, Premier Robichaud, that in that particular election, I could not vote for you, and I could not vote against you. Like Senator Bryden, I was out of the province, but Bill and I had only left to go to Peterborough for a short period to establish an office there for Bill's company. I never thought about the election, so sure that Hugh John was safe and sound. I was driving home one evening, a beautiful summer evening, from downtown Peterborough, and there was a news bulletin that said Louis Robichaud was the new premier of New Brunswick.

Senator DeWare: You drove off the road!

Senator Robertson: I drove into the ditch! And I had to get a tow truck to get us out.

Senator Robichaud (L'Acadie-Acadia): You came out of it, though!

Senator Robertson: As true as I am standing here, my husband never let me forget it. He was not quite as partisan as I.

It was a stunning upset and a signal of things to come in the ten years between 1960 and 1970. So certain had other provincial Conservative leaders down east been of victory in New Brunswick in 1960 that Premier Robert Stanfield even delayed his election call in neighbouring Nova Scotia. He was planning to capitalize on the re-election of the Flemming government in New Brunswick. There were a few words said about that.

Honourable senators, Premier Robichaud spent little time enjoying his unique success. Virtually from day one of his election, he set a course of changing long-established policies and traditions which for generations had dominated New Brunswick politics. For Louis Robichaud, the words "status quo" did not exist.

• (14:40)

As the good senator who spoke before me mentioned, in 1960 several county governments in New Brunswick were in very bad financial circumstances. Their ability to pay for essential services was dependent on their tax base, which was often practically zero. This created wide disparities in the quality of public service. Premier Robichaud appointed a commission to recommend changes to correct the situation, which commission bore the rather uninspiring title of The Commission on Finance and Municipal Taxation.

From its report, Premier Robichaud created a set of policies that constituted what even its most hardened opponents have now come to accept as a program for equal opportunity. County governments were abolished. The uniform property assessment system was introduced. The province assumed full financial responsibility for health, education, social assistance, and the administration of justice. It was revolutionary, in the best sense of the word. Louis Robichaud was a true revolutionary.

The Liberal government's legislative initiative, consisting of 133 bills, ignited a storm of opposition, the likes of which had never been seen in our province. Through it all, Premier Robichaud remained unshakable in his conviction that the course he had set was the right one for all of New Brunswick. He remained immovable in the face of vitriolic attacks by the New Brunswick media and other voices of the provincial establishment, threats against his life, and continuing onslaughts in the legislature. In retrospect, there were similarities to the great GST debate then yet to come.

The program for equal opportunity became a reality in our centennial year, 1967. In that year, Louis Robichaud won his third mandate to govern New Brunswick. In 1967, I was first elected to the provincial legislature. As the only female in the house, I appreciated the kindness and generosity that Premier Robichaud extended to me.

Honourable senators, one had to be a resident of New Brunswick to understand the extent of the changes that program made in our basic institutions and the steadfastness and courage that was required to enact them. I am sure that a lesser person might well have retreated. However, Premier Robichaud refused to be intimidated and today New Brunswick is better for his persistence.

There was a transformation in the attitude of Progressive Conservatives between 1967 and 1970. In 1970, we formed the government under the leadership of the late Richard Hatfield. I was privileged to serve in that administration and am proud to have played a part in building the policy foundations laid by Premier Robichaud.

Never did Premier Hatfield give thought to turning back the clock by repealing the Robichaud legislation. In fact, he embraced it and, during his 17 years in office, in addition to his own unique political reforms, Premier Hatfield refined and polished the reforms of his predecessor.

Honourable senators, these and other initiatives of Premier Robichaud brought at last to the public life of New Brunswick a deep and lasting French-speaking influence in the affairs of the province. Acadians were finally accorded prominent places at the cabinet table. The days were over when French-speaking ministers were almost hidden from the English-speaking voters. The University of Moncton and the francophone community colleges offered francophones educational and cultural opportunities they had never had before.

Honourable senators, I entered the legislature in 1967 as an opposition MLA. In the three years leading to the formation of a Conservative government I observed an almost mystical bond growing between Premier Robichaud and Richard Hatfield. Their philosophies of governing were similar. They shared an understanding of the complexities of politics in New Brunswick. When the two men exchanged offices, I believe that Louis J. Robichaud was comfortable in the belief that the reforms he initiated would be respected by his successor, and indeed they were.

In 1969, the year before my party formed the government of New Brunswick, the legislature unanimously approved passage of the Official Languages Act, making New Brunswick Canada's first and, to this day, only officially bilingual province. Operative sections of the legislation were proclaimed in 1969 by Senator Robichaud's government and the remainder was proclaimed by the Hatfield government.

Senator Robichaud's sense of linguistic fairness was further embraced by Premier Richard Hatfield's government, resulting in New Brunswick's Official Languages Act being enshrined in the Constitution and the New Brunswick legislature later approving legislation respecting the equality of New Brunswick's two linguistic communities.

Honourable senators, following his departure from provincial politics, Louis Robichaud served Canada ably as co-chairman of the International Joint Commission. He became a valuable member of the Senate and continued to be the voice of moderation when language issues posed the slightest threat to the unity of New Brunswickers.

I am proud to have shared two legislative chambers with Senator Robichaud. Little Louis is a giant among New Brunswick's political leaders.

I must tell you, honourable senators, of a special event that occurred this past summer. In August, Louis and I were invited to a cocktail party at the house of a mutual friend at the beach. The guests were all good Progressive Conservative people, and all English speaking, except for Louis and Madame Robichaud, the only two Acadians at the party. Louis and I even had our picture taken together. The special aspect was that Louis was there because he was a friend of these people who, in 1960, would not have spoken to him. His policies worked.

Louis, I wish you well in retirement. May you have many more years of health and happiness, knowing that your place is secure in our history. Thank you.

[Translation]

Hon. Eymard G. Corbin: Honourable senators, saying goodbye to the Honourable Louis J. Robichaud as he is leaving the Senate is not an easy task. He is a friend. He has always embodied, at least for me, all the good that a politician can

accomplish when he is determined to change an obsolete and unfair system.

I do not intend to recite his accomplishments during his long career as Premier of New Brunswick. Some excellent biographies and post-graduate papers, both published and yet to be published, cover them. I recommend these documents to you.

Today, I want to be more personal. I entered politics in 1968 because I had been inspired by two people: Louis J. Robichaud and Pierre Elliott Trudeau. Equal opportunities and a just society — one completed the other as to the kind of province and country in which I wanted to live, a place free of self-serving nationalism.

One must have lived in New Brunswick in the fifties and sixties to appreciate the work of Louis J. Robichaud as premier of that province. One must have seen what was — or was not — there before he took office, what happened during his mandate and what has happened since.

• (1450)

I knew and experienced this intense and dramatic period. I am even tempted, with a grain of salt of course, to tell my good friends from Quebec who are now listening that your so-called "quiet revolution" was small beer compared to what Louis J. Robichaud and his team had to come up with in New Brunswick with the fundamental reforms of his revolutionary — in the true sense — equal opportunity program.

Consider this, for example, on a more personal note, and these are just small incidents among perhaps hundreds and hundreds. The setting was Fredericton. A deputy minister told a French-speaking public servant: "From now on, you will no longer correspond in French, but in English only, with your French-speaking employees."

Or this, from an assistant deputy minister to a young public servant who was requesting maternity leave: "You will automatically lose your job as a result of this leave and we intend to replace you."

In the first case, I was the one who received the directive. The second case involved my wife. Obviously, this no longer goes on today, certainly not in New Brunswick. If things have changed, we owe a great debt of gratitude to Louis J. Robichaud who, with determination and patience, took action to revolutionize the social and administrative foundations of New Brunswick.

Louis J. Robichaud always acted responsibly. He also had to contend with criticism from his own compatriots, who said he was not doing enough fast enough and wanted him to close the gap, whatever it took. I was sometimes among those critics. *Mea culpa*. He always took great pains not to create divisions among New Brunswickers and if divisions sometimes arose, he and his ministers were in no way responsible.

His greatest concern was to draw attention to inequities at all levels, in all areas, to inform, to explain, to attract good will on both sides of the debate, and then to enshrine the reforms in numerous well-drafted statutes that have lasted to this day. He trusted his colleagues and successors at the head of the Government of New Brunswick to have the abilities and the open-mindedness to continue and build upon what he had begun. He himself paid a heavy price for his courage. It was not easy for him and his family. A person has to have had experience in elected politics to have any appreciation whatsoever of the crushing political responsibility he had at that time. Louis Robichaud was faithful to the ideals he had held since college days, from the very first to the very last day of his turbulent career in New Brunswick. Someone like him crops up about once in a hundred years. I consider it a privilege to have been a witness and a participant in this period and to have served with him in the Senate.

Ti-Louis, on behalf of my entire generation and my province, I wish to thank you from the bottom of my heart and to wish you and your wife a wonderful, and much deserved, retirement.

Hon. Léonce Mercier: Honourable senators, I totally subscribe to my colleagues' praises of Senator Louis Robichaud. I would like to share with you some anecdotes that will show you an interesting aspect of the man.

One of them took place in 1980 at the Liberal Party of Canada convention in Winnipeg. At that time I was the executive director of the party for Quebec. Senator Robichaud and I were staying at the same hotel and there was a hotel fire. Everyone from the ninth floor up was asked to go up to the roof level. So there we were, the senator and I and 28 other hotel guests, up on the roof, blinded by smoke. We sat back to back and one very nervous young man counted us. In his agitation, he kept having to start over and he always started with Senator Robichaud. "OK, Senator Robichaud, that's one." Then he would begin again: "One: Senator Robichaud." And so on. He never could get the count completed. After several attempts, Senator Robichaud stood up and said: "Well now, if I am one person too many, I can just go back downstairs." That shows you the man's sense of humour.

The second anecdote dates back to the Parliamentary Conference of the Americas, which was held in Quebec City in September 1997 and chaired by the Speaker of the Senate, the Honourable Gildas Molgat, in collaboration with the Clerk of the Senate, Paul Bélisle.

At the opening of the conference, we were to attend various workshops: foreign affairs, languages, environment and education. Senators Hervieux-Payette, Pépin, Robichaud, Beaudoin, Bolduc, Murray, Kinsella and myself were present. As no one wanted to take part in the workshop on education, Senator Robichaud and I were assigned to it. We went to the workshop, which was run entirely by women: the Chair, the secretary, the resource person and the translator, were all women. As all of the participants in the workshop were between 35 and 40, we impressed many of them by our appearance — not to mention our age! The day went well, and as education means school, the

Chair and the secretary kept us after class. Not as punishment, but as a reward for our fine interventions during the workshop. The next morning, we told our colleagues at breakfast about our day, and the senators who had refused to go to the workshop on education wished they had been in our place!

One final anecdote. At the end of the conference, we were invited to dinner by the officials. It was at this point that Senator Robichaud introduced his charming companion, Jacqueline Clément. Seated at the dinner table as well were Senator Beaudoin and his wife, Senator Kinsella and his wife, Senator Murray, Senator Pépin, my wife and myself.

I had the pleasure of sitting beside Madame Clément. We chatted together, and I was very happy to meet such a charming, cultivated and intelligent woman. I took the liberty of saying to her: "Madam, you have met quite an extraordinary man. A generous man, a hard worker, an exceptional speaker and a politician the likes of which we see no more." I continued praising Senator Robichaud in various ways and even said to her: "Marry this man with no hesitation!" She then told me that this was what she had in mind.

During dinner, as we were a group of intellectuals and Senator Beaudoin finished telling us about Napoleon, we got into a discussion on religion. Everyone naturally had an opinion. One said, for example: "Heaven is just for women; it is not for men." Someone else said: "Commit a mortal sin and you do not go to heaven." We talked a lot about heaven. However, Senator Robichaud and his companion seemed to be ignoring us completely. They were in another world, and no one thought they could hear what we were saying.

All of a sudden, Senator Robichaud banged the table. He said: "Hey, you intellectuals. Do you know where heaven is?" We all laughed, and everyone had a good time.

I am saying this to tell you that, when these two people come to mind, all we can do is wish them the kind of happiness we read about in love stories. We wish them happiness and health, surrounded by family and close friends.

• (1500)

Hon. Rose-Marie Losier-Cool: Honourable senators, I, too, wish to pay tribute to a very special person, Senator Robichaud. Senator Robichaud is an Acadian and he is one the great pioneers of New Brunswick. He is a pioneer whom Acadians in my province are extremely proud of and to whom they are very grateful for the many things he did for them. Senator Robichaud sowed the seeds of hope for generations of francophones who believed in him, a hope that their future and that of their children and grandchildren would be a better one.

Thanks to the perseverance and tenacity of Ti-Louis Robichaud, francophones from New Brunswick can now get health and education services in French; they can live in French from Grand-Sault, known as Grand Falls in English, to Moncton. I believe that one of Senator Robichaud's greatest achievements was the establishment of a separate education system in French.

The French education system in New Brunswick has allowed the Acadian people to map out its future. It was critical to our survival and development. As Premier of New Brunswick, Louis Robichaud gave francophones access to an education in French, from the elementary to the post-secondary levels. His most important achievement was the establishment of the Université de Moncton, which welcomes francophones from New Brunswick and Canada. This young and thriving institution is an indispensable tool for the community, cultural and economic development of New Brunswick and of our country.

My grandchildren attend a French school in Fredericton, the capital, where Acadians are increasingly welcome. Progress is also being made in Saint John, New Brunswick. Senator Robichaud's greatest legacy is two linguistic groups living together and recognizing the richness of their linguistic duality.

Thank you, Senator Robichaud, for your advice and your friendship when I first came here. Thank you for your perseverance, your dedication, your vision of a New Brunswick offering equal opportunities to all. I wish you and your wife, Jacqueline, many years of good health and happiness, and a well-deserved rest.

Hon. Jean-Maurice Simard: Honourable senators, like a number of my colleagues here in the Senate, I am pleased to pay tribute to one of our own, who is taking well-deserved retirement after devoting his entire life to the betterment of his compatriots. Senator Louis Robichaud has been active on the political scene in New Brunswick and in Canada since 1952. This political longevity speaks volumes of the quality of his commitment and his faithfulness.

Although most of us have had the pleasure of knowing him here on Parliament Hill, where we have appreciated his positive qualities and his intelligence, we must keep in mind that it is mainly on the provincial scene in New Brunswick that Senator Robichaud's major achievements took place. Like the alchemists of old, who sought to turn base metals into gold, he set out to transform New Brunswick.

As soon as he was elected head of the provincial government in 1960, he set in place a whole body of measures that were to bring our province fully into the modern age. The first Acadian to be elected to head the province, he moved heaven and earth to ensure that the Acadians, until then left out of the province's political and economic life, could also become full-fledged citizens.

In the 10 years he headed the Government of New Brunswick he was a true leader, a man of vision, a visionary who did not hesitate to launch innovative initiatives which forever changed the face of our province.

Among his historic initiatives, I must draw particular attention to his famous equal opportunity program. In a spirit of justice and fairness, the purpose of this program was to provide all of the people of New Brunswick, whether francophone or anglophone, with equal access to all available opportunities for advancement. This program is one of the reasons so many Acadian men and women have finally been able to attain senior

public service positions, enhancing the public service while providing it with an improved bilingual capability and thus a more accurate reflection of the sociolinguistic reality of the province.

In the aftermath of the equal opportunity program, Louis Robichaud also introduced the New Brunswick Official Languages Act. This mirrored the Canadian official language legislation and responded to the expectations of the province's francophones and Acadians. The institutional bilingualism it called for, as it still does 30 years down the road, was intended to adapt governmental machinery to the French fact, something previous governments had literally denied existed.

These measures were critical in the later history of New Brunswick. They restored to Acadians the dignity they had been denied. They also gave Acadians the tools with which to have their political, economic, cultural and educational, to name the most obvious, rights recognized.

Senator Robichaud's time with the Government of Brunswick marked a turn for the better in New Brunswickers' quality of life. It was no mean feat to bring about such a transformation in New Brunswick and Acadia. It took nerves of steel, boundless determination, tremendous confidence in the future and, above all, an unwavering devotion to his fellow citizens, the kind of devotion that comes from the gut.

Although our political paths were somewhat different, mainly because we were in different political parties, I have always recognized and appreciated the senator's major contribution to the advancement and development of his community and his province.

When former Progressive Conservative Premier Richard Hatfield succeeded Louis Robichaud, he insisted on following the same direction with respect to the linguistic rights of the province's anglophones and francophones and that is why he had certain major provisions of New Brunswick's official languages legislation, which was passed under Louis Robichaud, included in the 1982 Charter of Rights.

It was with the unequivocal support of Richard Hatfield and in this same spirit of openness that I myself worked tirelessly for the passage of the legislation recognizing the equality of the two official language communities in New Brunswick. This equality law, as it is now referred to, flows directly from the spirit of reform and openness which drove the political activities of Senator Robichaud.

On the eve of his much-deserved retirement, as we pay tribute to him for the tremendous contribution he made to politics, a contribution which has continued since his arrival in the Senate, where he sat on a number of committees, I would like to tell him that the greatest tribute we could pay him is to carry on the work he began by encouraging the new generation of political leaders in Canada, as well as in New Brunswick and Acadia, to draw their inspiration from his generous vision, his tenacity, and his faith in the ability of his fellow citizens to take their place in the world.

In the history of Acadia and New Brunswick, Senator Robichaud will have a special place. However, before history is written, I wish him the very best, a happy retirement and long life.

The Hon. the Speaker: Honourable senators, for the purposes of the *Debates of the Senate*, is leave granted for this speech to stand in the name of the Honourable Senator Simard as given by the Honourable Senator Lynch-Staunton?

Hon. Senators: Agreed.

• (1510)

Hon. Serge Joyal: Honourable senators, it is an honour to speak after Senator Simard, whose remarks I would echo, adding only this: Senator Robichaud is one of the country's founders, one of those who have established institutions that have carried on vigorously after them and shaped the freedom and dignity Canadians enjoy across our land.

Senator Corbin was saying that Senator Robichaud had had to meet the challenge of a much greater quiet revolution than the one in Quebec. I remember that, in 1963, a delegation of students for the Collège de Moncton, headed by Mr. Bastarache, today sitting elsewhere, came to meet us at the University of Montreal to ask us to set up exchanges with them so they might use the experience, opening and opportunities to decompartmentalize the New Brunswick system of education.

Senator Simard, through Senator Lynch-Staunton, expressed how indebted we are to Senator Robichaud, who put his trust in the majority of New Brunswickers. Because this is what it is all about. When we talk about minority rights, we always call upon the generosity of the majority, and Senator Robichaud's vision was to trust the spirit of fairness and justice of the majority of New Brunswickers, and to trust that the Acadian minority would be able to fully assume its role without taking anything away from the other official language group. This is, in my opinion, a great lesson of social harmony in Canada.

When the Canadian majority trusts its sense of generosity and respects the dignity of individuals, everyone can develop in peace, in harmony and with all the potential of this country's resources.

I live in a province where there is fear-mongering by a certain group. The lesson to be learned from Senator Robichaud as he is leaving this place is that we should trust the sense of fairness and justice that, deep down inside, we know to be the true measure of individual rights and freedoms.

Senator Robichaud, your successor, Senator Hatfield, who also sat in this Chamber and with whom I had the opportunity to work to consolidate the foundations of the Université de Moncton, Senator Robertson and myself, all received an honorary doctorate on the same day, in 1984, from that university and we were able to appreciate how the confidence that you instilled in New Brunswickers allowed them not only to assert their identity,

but to fully assume, on a national level, their role as prophets of Canada's future.

You rank among the founders of our country and, thanks to your vision, Canada remains a haven of humanism and human dignity. Thank you, Senator Robichaud. We wish you and the members of your family a long life.

[English]

Hon. Lowell Murray: Honourable senators, as you may know, for many years I was associated with the Conservative Party in New Brunswick and, therefore, with the political life of that province; sometimes on its periphery, sometimes closer to its centre. For a much longer time and for most of my adult life, I have been a student and an observer of political leadership.

I trust honourable senators will allow me a word of tribute to our departing friend. There are not many political leaders to whom I would apply the word "heroic," but Louis Robichaud is one of them — heroic for what he achieved and heroic for what he endured in the process. Senator Robertson alluded to this earlier.

For a while during former premier Robichaud's second term in office, I went occasionally to Fredericton to give some support to the Tory caucus, which was then under the leadership of our late senatorial colleague Cyril Sherwood. It was the duty of Her Majesty's Loyal Opposition to try to show how things should be done differently or better. Faced with a legislative program of daunting complexity and a policy of radical change, I thought they did their job honourably and well.

Somewhat outside the political process, however, another phenomenon manifested itself; that of an oligarchy bent on stopping change at all costs and by any means. At the end of the day, it was not just a transformation of provincial and municipal government that came into being. It is no exaggeration to say — as the journalist Michel Cormier has said — that those 10 years changed the social contract in New Brunswick, and even the notion of political power. Mr. Cormier was too young to have remembered it, but he says that for his parents' generation it was as if the Berlin Wall had come down.

Honourable senators, New Brunswick today is a much different place. No doubt there are still political controversies and there are economic, social and cultural differences, as in any province. What is gone is the sense of frustration, of defeatism, even of submissiveness, among a good many New Brunswickers. Gone is the corrosive sense of permanent grievance and alienation, and gone is the palpable estrangement within that province.

The reforms of the 1960s are usually credited with having played an important part in the modern renaissance of the Acadian people. This is true. Still, it needs to be said that the policy essentially sought to extend high quality education, health, and social welfare, as well as other government services, beyond the urban centres to the province at large. Its beneficiaries were English-speaking and French-speaking New Brunswickers in the disadvantaged regions.

New Brunswick is more secure today, more confident and proudly conscious of its uniqueness and of what makes it unique. There is a sense of community and of solidarity among all New Brunswickers that was not there before. Politics has changed. The Liberal and Tory parties choose leaders who happen to be anglophone or francophone, as the case may be. They do not necessarily alternate between French-speaking and English-speaking leaders. They do what seems expedient and appropriate in the circumstances. The Liberal and Tory parties are competitive in all parts of the province, and they are judged on their policies and their leadership.

Honourable senators, it is in this sense that I like to think Louis Robichaud helped make it possible for a Tory government, under Richard Hatfield, to win four successive majorities and to hold office for 17 years; for Bernard Lord to have carried the province so impressively, and to have begun a premiership that holds promise of perhaps equal longevity.

[Translation]

• (1520)

Well before the Robichaud era in New Brunswick, many courageous people — teachers, clerics, artists — helped ensure that the Acadian epic would go on. That having been said, the modern Acadian renaissance would never have taken place without visionary and courageous leadership. It was Louis Robichaud who provided that leadership.

[English]

His public life is a meditation on the humane and constructive ends to which democratic politics can be directed.

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I should like to join with those paying tribute to a man on whose left I have sat for the last year. That has been a great honour for me. He has been an adviser to me in times of need. I am the second generation of my family to befriend him. I simply want to join with honourable senators who are paying tribute to this remarkable man today.

Enjoy your retirement, Louis. We will look forward to seeing you a lot around here, I hope.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I wish to associate myself with everything that has been said about Senator Robichaud, whom I have known for many decades.

I was the beneficiary of one of his dispensations, having been asked by him to serve as the chief human rights commissioner in New Brunswick in 1967. The Human Rights Act, which was one of the early ones in Canada, was part and parcel of that whole social revolution of which he was the inventor, the pioneer, and the deliverer.

Our province is a modern and dynamic province today, in the family of Canadian communities, to a very real extent, as other

honourable senators have mentioned, because of the program of equal opportunity, which is the mark of the Robichaud heirs.

To Louis and to Jacqueline, meilleurs vœux.

[Translation]

Hon. Pierre De Bané: Honourable senators, on June 27, 1960, a 34-year-old Acadian became premier of his province. It was barely one week after the election of Jean Lesage as Premier of Quebec. This year, we are celebrating the 40th anniversary of that election just as our colleague is approaching his fiftieth year in politics.

I would like to tell him, as Senator Robertson did, that it is unusual for a politician to write history. Senator Robichaud has written history. If we look at all the qualities a politician should have, they are many.

However, there is one for which, in my view, no amount of wisdom and experience on the part of advisers can be substituted, one which no one can really give us, but which must be part of our own personal values, and that is courage.

The fact that Senator Robichaud dared to undertake in his province a major project to give everyone equality of opportunity in basic sectors was a monumental revolution. I need not remind you that he had to contend with some of the biggest companies in the world when he undertook these changes.

Personally, if there is one thing I have become aware of since entering politics, it is precisely that courage is the rarest of commodities in politics, and one that all the advisers in the world cannot make up for if the politician lacks it.

I would like to tell Mr. Robichaud that his actions to further justice and equity in his province have been an inspiration to all Canadians. I will quote, if I may, the 1987 Canadian Encyclopedia:

...He introduced far-reaching social reforms through the centralizing Programme of Equal Opportunity. His Liberal government modernized liquor laws, abolished the Hospital Premium Tax, passed an Official Languages Act, established U de Moncton, increased Acadian administrative influence, and encouraged the mining and forest industries.

Acadians owe him a great deal. It was during his administration that the Université de Moncton was created in 1963, Canada's only Acadian university. It was under his administration as well that New Brunswick became officially bilingual in 1969 — the one and only such province to this day — and that Acadians began to truly have access to education and services in French, as well as to better jobs.

During the francophone summit, held in Moncton, Maurice Basque of *Le Devoir* wrote as follows:

It is in Acadie, in New Brunswick, that the Acadian population has made the most legal, political and socio-economic progress. From 1960 to 1970, the government of Premier Louis J. Robichaud encouraged a veritable quiet Acadian revolution in New Brunswick...That same government imposed a series of major socio-economic reforms that greatly contributed to the development of the Acadian regions of the province.

It was under the Robichaud administration that the "Programme of Equal Opportunity" was created, aimed at greater equality, that is a fairer distribution of opportunity and wealth between the north of the province, a poorer area with a very strong francophone — Acadian — majority, and the more industrialized south, which was better off and with a very strong anglophone majority, as well as between rural and urban regions.

Arthur T. Doyle, the well-known New Brunswick political pundit, said the following last fall:

More than anyone other premier, Louis J. Robichaud brought about significant change to the role of the provincial government through his Program of Equal Opportunity. He also committed to the centralization of hospital administration, health care, education, income supplementation and the administration of justice. These were the most radical changes ever carried out in Canada and inspired other provinces and some other U.S. states to follow suit.

[English]

I am sure, Jacqueline, that all honourable senators in this house join with me to express our admiration to you and to our friend and esteemed colleague Louis Robichaud. To you, our best wishes. You are a marvellous spouse to your husband, and we know how much he cherishes and loves you.

On behalf of everyone here, I extend the highest regard that we have to Senator Robichaud.

Hon. B. Alasdair Graham: Honourable senators, there were two great political events in this country in 1958. One was the federal election in which John George Diefenbaker was swept to power —

Senator Kinsella: Four more years!

Senator Graham: — with, up to that time, the largest majority in the history of the country.

Senator Kinsella: November 27!

• (1530)

Senator Graham: I hear the cheers in the opposition benches for that brief reference to Tory glory. It was a time when I thought that my political career had ended almost as quickly as it had begun. As a matter of fact, our former colleague Senator Finlay MacDonald greeted me in Halifax three days after my defeat — I was the federal candidate in

Antigonish-Guysborough — and he said, "Well, there he is: the youngest political has-been in Canadian history."

Then there was another great event. Louis Robichaud was elected leader of the Liberal Party in New Brunswick. Shortly after his victory, he came to Antigonish and to St. Francis Xavier University and he restored hope to this young Liberal who had given up almost all hope of any future in the political arena. I have rarely, if ever, heard a more inspirational speaker than the Honourable Louis Robichaud.

His program for equal opportunity in New Brunswick will go down in the annals of Canadian political history as one of the greatest achievements of any provincial or federal politician. I agree with everything that has been said about our dear friend. He has been my neighbour in the East Block for several years; for many years he has been my very close friend, ally and supporter.

Someone once said that you can give no greater tribute to a person than to say that his or her word, given publicly or privately, can be relied upon absolutely. We can say that about the Honourable Louis J. Robichaud. He has been eloquent; he has been outstanding; he has been a leader of great renown. I say today that it has been a wonderful privilege to have been associated with him and to call him my friend.

[Translation]

Hon. Gérald-A. Beaudoin: Honourable senators, I would like to say a few words to pay tribute to Senator Louis Robichaud.

Senator Robichaud had a most successful career. He was elected for the first time as an MLA in 1952, at age 27. He was re-elected in 1956, 1960, 1963, 1967 and 1970. He became the leader of the Liberal Party of New Brunswick in 1958, thus becoming Leader of the Opposition, and then Premier of the province from 1960 to 1970. He was appointed to the Senate on December 21, 1973.

I particularly wish to stress the contribution of Louis Robichaud to the promotion of the official languages in New Brunswick. It is under his government that, in 1969, the Official Languages Act of New Brunswick came into effect. This legislation was, of course, amended later on, but it was never set aside by the governments that came after Louis J. Robichaud's government. This is all to the credit of our colleague and friend.

Later on, in 1982, other constitutional measures were enshrined under sections 16 to 22 of the Canadian Charter of Rights and Freedoms. Then, in 1993, the equal rights of New Brunswick's two linguistic communities were included in the Constitution, under section 16.1 of the same charter. In 1982, the change occurred under a Conservative government in New Brunswick, a government that included our colleagues and friends Jean-Maurice Simard and Brenda Robertson. In 1993, it was under a Liberal provincial government that the changes were made. This shows that the ideas put forth by Senator Robichaud in that area transcend party lines. They will endure for a long time to come. Thank you, Senator Robichaud. I wish you, your wife and your loved ones a long life.

[English]

Hon. Peter A. Stollery: Honourable senators, one of the more pleasant aspects of coming to Parliament is meeting and getting to know great Canadians, famous Canadians that one has only read about in the newspapers. When I came to Parliament quite a few years ago, my neighbours and my friends were impressed when I would tell them about people that most of us only read about in newspapers. My neighbours on Rusholme Road in Toronto know very well the achievements of Louis Robichaud.

Honourable senators, I will not take a lot of time this afternoon, because so much has been said. However, I would like to add that not only was Louis Robichaud a very famous man in Atlantic Canada, he was also a very famous man in the Toronto of my younger years, as he still is today. It has been a great pleasure and an honour for me to have served in the Senate with him. I wish him well in his retirement. I hope that we will be seeing him frequently.

[Translation]

Hon. Marcel Prud'homme: Honourable senators, I have fond memories of the year 1960. I was, then, the official Liberal candidate in the riding of Montréal—Laurier, until Jean Lesage asked me to give my seat up to René Lévesque, a Liberal candidate. Obviously, I became quite unfettered and, like all young eager French Canadian nationalists in Quebec, I joined in the assault against the enemy. We were enthusiastic about two great individuals: Jean Lesage and Louis Robichaud.

I do not know of one young Liberal in Quebec who, in one way or another, without Senator Robichaud knowing them, did not willingly offer to help him within the organization. There was this whole contingent of eager young French Canadian nationalists in Quebec. A number have changed since, but I have not. I know that is upsetting, but I do not think we can change what we were; we can only be it a little more.

I would be upset with myself if I did not join in the songs of praise we have heard. In addition to my past in connection with Louis Robichaud, I would like to pay indirect tribute to my predecessor, who was probably one of Senator Robichaud's closest friends. I am thinking of Azellus Denis. The history buffs should know that Mr. Denis held the record for longevity in Parliament: 54 years in the two Houses, and he was from Saint-Denis.

• (1540)

I beat his record in the House of Commons. Unfortunately, because of the new rule, I will not beat his record in the Senate. I want him to know, up there in heaven, that his successor, Marcel Prud'homme, paid tribute to Senator Robichaud, who I hope will come back to visit.

Since I believe in bilingualism, I wish to take this opportunity and to follow my friend Senator De Bané in asking you to join with me in saluting Madam Robichaud. Although I have not had

the pleasure of knowing Madam Robichaud, I wish her and you, sir, the best. Merci, bravo, Senator Robichaud.

Hon. Colin Kenny: Honourable senators, everything has been said that can be said. I rise today simply to say that I am proud to tell people that I know you and that you are my friend, Louis. Thank you very much for all your support and your encouragement. Louis, I will miss you, and so will we all.

Hon. Jeremiah S. Grafstein: Honourable senators, I just want to add a brief word of tribute to Louis Robichaud. I shall focus on only one point. Many other references to his illustrious career have been made, and made better than I could have. However, what I want to draw to the attention of senators — and something others have talked about — is Louis Robichaud's great and magical skill of being one of the greatest stump speakers in Canada, without notes, without a text, for hours on end.

There are few men or women in Canada who have this God-given talent, but Louis could change a listless audience of voters into a magical moment of unity. He could do it in either French or English. He could do it in such a way that when you left the room you had huge and repeated visions of his excellence and his scintillation. This magical quality is so rare that when we lose it in this chamber and we lose it in Canada, I think it appropriate that we should mark it.

I will remember the great moments and the great inspiration that Louis gave us all as young Liberals, this ability, this uncanny and magical ability to convince people that the country in which we live is a great one, and that one Canada is the highlight and the vision of all of us. I thank you for that, for your vision and for your contribution.

[Translation]

Hon. Jean-Robert Gauthier: Honourable senators, I would not want to pass up the opportunity to add my words to those of my Senate colleagues. I knew Louis Robichaud well. I perhaps saw a different side of him than you did. I first met him in 1974, I think it was, when he came to the Liberal convention in my riding of Ottawa—Vanier to speak to my constituents.

I also got to know him in a different context, that of parliamentary delegations in Europe. It was there that I learned that Louis was a good cribbage player, because he always beat me. He had a little smile on his face when he managed to beat us at cribbage.

What I remember, and will continue to remember, is that Louis made a point of attending all meetings of the Official Languages Committee. He participated, and he had extensive experience to share. He knew the subject inside out. I must say that we in Ontario are still hoping to find our own version of Louis Robichaud so that we can obtain the same rights as the people of New Brunswick. Perhaps one day we will find such a person. God willing. Thank you, Louis.

Hon. Fernand Robichaud: Honourable senators, I was not aware that I had such an advantage, being a Robichaud from New Brunswick. People could speak for a long time about Louis Robichaud, and people will. I do not wish to repeat what has already been said or written, but I cannot let pass this opportunity to pay tribute to such a great man.

Louis Robichaud is a legend. So people have said. I well remember how the people of New Brunswick loved to listen to, and especially to watch, Louis Robichaud in action. Undoubtedly because he was such a gifted orator. People turned out to meetings to listen to him. He knew how to win over an entire audience with his boundless enthusiasm. He was like a brightly burning flame.

He knew how to talk to people. He could talk to them about their problems and he could also suggest solutions. He was convincing not just in what he said but especially in how he said it. He put his whole being into his delivery. He was even more convincing when it came time to take action, and did so without hesitation, despite the fierce opposition he sometimes met.

Ti-Louis saved the rural families of New Brunswick. The Programme of Equal Opportunity was a turning point. At that time I was the secretary of a school board, at Saint-Louis-de-Kent. We had, of course, very limited means and could not offer the young people in our region services of the same quality as those available to young people in other regions of New Brunswick.

That situation changed, thanks to Louis J. Robichaud, and young New Brunswickers were then able to receive the same quality services anywhere in the provinces. My children were able to take advantage of these changes brought in by Louis, and now my grandchildren in turn are doing the same.

People still remember Ti-Louis very clearly, and when I am back down there, people often ask how he is doing, if I talk to him, how his health is. This goes for the people in both the anglophone and the francophone regions. The people remember Louis Robichaud well.

I would to thank Louis for all the changes he wrought and all the changes that made it possible for us, the Acadian people in particular, to develop our full potential. I would also like to thank him for having been the inspiration to all the population of New Brunswick and particularly, honourable senators, the Acadian population.

Louis, thank you so much.

• (1550)

Hon. Louis J. Robichaud: Honourable senators, I do not know where to begin, but I will be brief. You can interpret that statement whichever way you like. My speech is no more than a single sheet of paper, even though I would like to say a lot more, because I heard so much.

About two years ago, I heard Senator Hébert say, following what I would call a premature homily: "This is all exaggerated,

only my father or my mother would believe it." I thank all those who expressed their feelings, who said things that, perhaps, pleased my wife and my children much more than me. After 27 years in the Senate, I would have liked to slip away unnoticed. I was not allowed to do that. You organized the ceremony that we just witnessed.

When I arrived in the Senate, I would not have thought that, some 27 years later, my departure would trigger a general election. Nor would I have thought that it would trigger an invasion by five great women of Alberta, who have come to settle permanently on Parliament Hill. It happened yesterday, honourable senators. So many events have taken place since I first came here. However, I must go. No one can stop the clock.

[English]

I have enjoyed the 27 years that I spent here in the Senate. Those years were both enjoyable and productive, and they were productive not for ourselves but for the country. For those who do not appreciate the services that the institution of the Senate is rendering to the country, they are really missing something. As Senator Joyal says so frequently, the Senate is playing an eminent role and it should remain as such.

I have heard, for the last 27 years, talk of reforming the Senate. Nothing has changed. I know nothing has changed — the carpets are exactly the same as they were 27 years ago. The elevator is the same; it is sick more often than the senators are. As an eminent former prime minister said, "The universe continues to unfurl," and the Senate continues to play its role. Without being an exhibitionist, without bragging, without boasting, the Senate continues to play its role.

[Translation]

I would like to say that those who support an elected Senate are, in my judgment, making a mistake, because if it were thus, senators would become even more keen politicians than they already are. Senators are balanced, because they are appointed without being elected, for a period of time. They are capable of reflection and are not afraid of expressing their opinions at any time. They are not blinded by purely political considerations; far less so than in the other place where there is constant warring and far less so than in the provincial legislatures, where battle is waged endlessly as well. Here, we are civilized.

When I looked back over my life, I was reminded of the four happiest days of my life. The first was the day of my first marriage in 1951. The second was the day the voters of New Brunswick did me the honour of electing me as their premier.

I will not go through the ten years that followed, because so many things were said, indeed even exaggerated. It happens. For the past 27 years, I have seen people come and go. I have seen exaggeration, perhaps less than this afternoon, but still by the tonne or by the barrel!

The third memorable day, and some will be surprised at this perhaps, occurred not in New Brunswick or in Canada, but in Moscow, when the Canadian team won the World Hockey Championship. In the arena, we were 3,000 Canadians from the west, east, north and south — from everywhere in Canada — wearing a Canada pin. At the end of the eighth game, when Yvan Cournoyer from Montreal scored the tie goal with one minute 34 seconds remaining, we were wildly excited. Canada had tied Russia, but with 34 seconds to go in the game, Paul Henderson of Toronto scored the winning goal. We were not just excited any more, we were euphoric. The people wearing the Canadian pin, men and women from Abitibi, British Columbia, Moncton, Newfoundland, Winnipeg or elsewhere hugged and kissed.

• (1600)

We were so proud to be Canadians. English Canadians and French Canadians. It was a wonderful day in my life.

Another wonderful day in my life took place two years and some months ago, when I married for the second time. My new wife's name is Jacqueline. That is all I will say!

I wish to thank all the colleagues with whom I have worked over the past 27 years, especially those who are here today. Thank you all. And I would like to repeat what one of our former colleagues, William Kelly, wrote to me, and probably to everyone. I share the sentiments he expressed. This is what he wrote when he had to retire last year.

[English]

Dear colleague:

With my time ending in the Senate, I look back with a great deal of pleasure at a most interesting 18 years.

In my case, it has been 27.

It has been an honour for me to serve with people such as yourself, in a Chamber where so much excellent work has been produced in the interest of the Country.

I wish to thank you for our association.

Sincerely,
Bill
William M. Kelly

[Translation]

I share these sentiments and I echo his words. Thank you for your friendship over the years.

Someone mentioned that I had played some sort of role in the dialogue which exists among the various ethnic groups in the country. If I have done so, I am very pleased. I told you that I would be brief — and I will close here. I remember when I was very young reading the following gem from Sir Wilfrid Laurier,

one of my idols. I think it was something he said in London. It went as follows:

I love France, for it gave me my life. I love England, for it gave me my freedom. But I love Canada above all, for it is my home and native land.

These are my sentiments, and on that I will conclude.

The Hon. the Speaker: Honourable senators, I hope it would not be out of line for me to say that Senator Robichaud came to see me last June to advise me that he would be handing in his resignation before the Senate returned in September. He did not want to receive these tributes. I think you will all agree that it was a good thing that he changed his mind.

[English]

SENATORS' STATEMENTS

THE LATE MORRIS CHERNESKEY

TRIBUTE

Hon. David Tkachuk: Honourable senators, my friend, Saskatoon's friend, Saskatchewan's friend and Canada's friend, Morris Cherneskey, passed away on September 26, 2000, at the age of 74. He was an extraordinary man who behaved in very ordinary ways. Married for 44 years to Mary, the mother of their three daughters, Ann Marie, Paula and Christina, Morris went about the business of life in an exemplary fashion.

A first-generation Canadian whose parents came from Ukraine, he graduated in law from the University of Saskatchewan and began serving his family, his profession and his community.

A political community activist, he served on the executive of the Ukrainian Catholic Brotherhood of Canada, the new community credit union, the Ukrainian Branch of the Ukrainian Canadian Congress, and he was president of St. George's Ukrainian Catholic Church. He was a reserve naval officer who retired as a lieutenant-commander and was president of the Saskatoon Bar Association and of the Senate of the University of Saskatchewan.

Amongst all of this, he served as president of the Progressive Conservative Party in Saskatchewan in 1973 and 1974, and he ran as a candidate for us in the 1975 provincial election. A Conservative all his life, a supporter of John Diefenbaker, Joe Clark, Brian Mulroney and Robert Stanfield, he was instrumental in helping to build the Conservative Party in Saskatchewan and to lead it to victory in 1982.

As a politician, he fought for the twinning of the Yellowhead Highway in Saskatchewan. He fought hard for the preservation of the Crow Rate and the retention of VIA Rail services from Winnipeg to Vancouver via Saskatoon.

On behalf of all Saskatchewan citizens, the City of Saskatoon, and senators here, I wish to express my condolences to his wife, Mary, and to his family. We lost a man who served his country well. He will be dearly missed by his family, his friends, his fellow Conservatives and his community.

PERSONS CASE

TRIBUTE TO LEGAL COUNSEL TO PLAINTIFFS

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, one cannot but be impressed with the event yesterday that marked the seventy-first anniversary of the Privy Council decision on what is familiarly known as the Famous Five case. Far from detracting from these women's admirable tenacity which led to a historical legal breakthrough, I am sure that they would be the first to agree that they could not have accomplished what they did alone. Their lawyers before the Privy Council were John Lyndurn, Newton Wesley Rowell and Frank Gavan.

Mr. Lyndurn was attorney general of Alberta. Mr. Rowell had an active political career, which included being leader of the Liberal opposition in the Ontario legislature and a member of the Union government under Prime Minister Borden. He was considered an outstanding legal and constitutional authority. Unfortunately, I have been unable to find any information on Mr. Gavan.

The members of the Privy Council sitting on the Persons Case were Lord Sankey, the Lord Chancellor; Lord Darling; Lord Merrivale; Lord Tomlin; and Sir Lancelot Sanderson.

I make this statement for the record, as the Persons Case may well have turned out differently had it not been for the enlightened open-mindedness of these distinguished gentlemen.

THE SENATE

REAPPOINTMENT OF SENATORS

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, on another topic, I wish to pick up where the Leader of the Government left off yesterday. According to the *Canadian Directory of Parliament*, edited by J.K. Johnson, five senators who resigned from this place were later reappointed. The most interesting of the five is surely George William Howlan, from Prince Edward Island, who was summoned to the Senate in 1873, resigned in 1880, was reappointed in 1881, resigned in 1891 to run in the general election in P.E.I. in which he was defeated, and was reappointed the same year, only to resign in 1894 to be appointed Lieutenant-Governor of Prince Edward Island.

Only time will tell whether history will repeat itself in 2001. However, I wish to take this opportunity to tell Senator Boudreau that I hope he has found his too-short stay here as pleasant and enjoyable as we have on this side. While I admire his commitment to seek a seat in the other place, I trust that Dame

Fortune will smile on him and we will see him in this chamber, once again, in the New Year!

• (1610)

YWCA WEEK WITHOUT VIOLENCE

Hon. Marjory LeBreton: Honourable senators, one day after we celebrated the unveiling of the Famous Five statues and honoured this year's recipients of the Persons Awards, I rise to commemorate the Fifth Annual YWCA Week Without Violence, being held at the present time from October 15 to 21. This is an international initiative organized in more than 50 countries worldwide. The Week Without Violence provides an opportunity for Canadians to unite against the violence which plagues communities from coast to coast in our country.

The YWCA Week Without Violence raises public awareness about different types of violence by devoting a different theme to each day of the week. The theme I wish to speak about this afternoon was actually yesterday's theme, namely, Confronting Violence Against Women.

Honourable senators, although we live in one of the most civilized countries in the world, our communities are continually confronted with the harsh realities of violent acts against women. The evidence is there; we see it on a daily basis when we open our morning newspapers. According to the YWCA, one-half of Canadian women — and I will repeat that statistic — 50 per cent of Canadian women have been subjected to at least one incident of sexual or physical violence. In Canada, four out of five people murdered by their spouses are women murdered by men. Moreover, in 1997-98, almost 91,000 women and children sought shelter from domestic turmoil.

Surely, honourable senators, this is not the type of society that we want our children to be brought up in, and surely such acts of violence are abhorrent to our way of life.

Violence against women takes on many forms — physical, verbal and financial are but three examples. Legislators, community leaders, teachers, law enforcement agencies and parents must work together to educate our young people that violence against women will not be tolerated. We must raise our voices in protest when we read comments such as those made by the present Leader of the Opposition in the House of Commons, as reported in *The Edmonton Journal* in April of this year. A feature story written by *Edmonton Journal* staff writer Graham Thompson states:

In 1987, he —

By "he" Mr. Thompson means Mr. Day. The article continues:

— raised the hackles of women's groups when he disputed a poll indicating one million women had been abused physically, emotionally, sexually or economically.

In this article, Mr. Day is quoted as saying the following:

I want to know how many women in Alberta are physically battered and not just insulted by their husbands. Day told reporters. If we talk insulted by their husbands, then I'm afraid that I'm guilty from time to time of abusing my wife.

The Edmonton Journal continued:

Day acknowledged verbal assault and insults can be a "heart-breaking and demoralizing thing," but operators of women's shelters slammed Day for being "way off base" and accused him of "burying his head in the sand."

Honourable senators, what an offensive remark: "... and not just insulted by their husbands." Women must be empowered to protect themselves against such acts. Only through cooperative measures will we find viable solutions to violence. Initiatives such as the YWCA Week Without Violence provide an excellent platform from which we can work together to eliminate all types of violence.

The Hon. the Speaker: Honourable Senator LeBreton, I regret to have to interrupt, but your three-minute period has expired.

Senator LeBreton: I was on the last line anyway, honourable senators.

THE HONOURABLE WILBERT J. KEON

CONGRATULATIONS ON WINNING
THE ROBERT BEAMISH LEADERSHIP AWARD

Hon. Terry Stratton: Honourable senators, I wish the Leader of the Government in the Senate well. I also wish him a speedy return to this place.

I rise today to pay tribute to the recipient of an award given in Winnipeg on October 4. The event was the second annual awards day of the Institute of Cardiovascular Sciences of the St. Boniface Hospital Research Foundation at the University of Manitoba. The award is the Robert Beamish Leadership Award, presented for the promotion of cardiovascular science and education. It is named in honour of Dr. Beamish, who is truly the dean of Manitoba cardiologists and a great educator in the global profession. To Dr. Beamish: We are thinking of you here today.

This year's winner is our own Wilbert Keon. I know Dr. Keon may be uncomfortable for this acknowledgement, as can be seen by his empty chair, honourable senators. However, if he continues to win these awards — and he will — we have no other choice but to continue to pay tribute to him, even in his absence. We thank him for his contributions and for his excellent work in the field of cardiovascular research and education. We are truly humbled by his achievements.

The other award winners on that day were: Jacques de Champlain of Montreal, who won the Ken Bowman Research Award; Mitsuru Osada of Yamanashi, who won the Arnold Naimark Young Investigator Award; Brad Doble of Winnipeg, who won the Henry Friesen Young Scientist Award; Daniel

de Moissac of Winnipeg, who won the Sister Jacqueline St. Yves Publication Award; and Edward A. Kroeger of Winnipeg, who won the Jack Litvack Exemplary Service Award.

To those individuals, our congratulations and our thanks as well.

PAGES OF THE SENATE

EXPRESSION OF GRATITUDE

Hon. Mabel M. DeWare: Honourable senators, there seems to be a little apprehension in the wind these days that we may not be here next week — maybe not even tomorrow. Therefore, on this occasion, in case that should happen, I should like to take this opportunity to extend a hearty thanks to the new pages. I was here for their swearing in ceremony this morning and I wish to tell them how pleased we are to see them here today. Our pages in charge of this morning's activities did an exceptional job. They are certainly well trained under the Speaker's leadership.

On that note, I would also like to thank the pages for this year's dedication to us. I would also like to thank the Table officers, the translators, the Hansard reporters, the researchers and security. In case we are not here for the festive season, I wish them all well on behalf of all honourable senators and hope that we will see them all in the spring — early spring. It is our pleasure right now to say thank you for your dedication to the Senate. We really appreciate your efforts.

ROUTINE PROCEEDINGS

BILL TO AMEND THE STATUTE LAW IN RELATION TO VETERANS' BENEFITS

REPORT OF COMMITTEE

Hon. Michael Kirby, Chairman of the Standing Senate Committee on Social Affairs, Science and Technology, presented the following report:

Thursday, October 19, 2000

The Standing Senate Committee on Social Affairs, Science and Technology has the honour to present its

ELEVENTH REPORT

Your Committee, to which was referred Bill C-41, *An Act to amend the statute law in relation to veterans' benefits*, in obedience to the Order of Reference of Tuesday, October 17, 2000, has examined the said Bill and now reports the same without amendment.

Respectfully submitted,

MICHAEL KIRBY
Chairman

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Jack Wiebe: With leave of the Senate and notwithstanding rule 58(1)(b), I move that the bill be placed on Orders of the Day for third reading later this day.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

[Translation]

**CANADA HEALTH CARE,
EARLY CHILDHOOD DEVELOPMENT
AND OTHER SOCIAL SERVICES FUNDING BILL**

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-45, respecting the provision of increased funding for health care services, medical equipment, health information and communications technologies, early childhood development and other social services and to amend the Federal-Provincial Fiscal Arrangements Act.

Bill read first time

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Callbeck, bill placed on the Orders of the Day for second reading later this day.

[English]

• (1620)

**A BILL TO BETTER ASSIST THE SENATE TO SERVE
CANADIANS BY RESTORING ITS RIGHTS,
OPPORTUNITIES AND FUNCTIONS**

FIRST READING

Hon. Serge Joyal presented Bill S-31, to better assist the Senate to serve Canadians by restoring its rights, opportunities and functions.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Joyal, bill placed on the Orders of the Day for second reading two days hence.

CRIMINAL CODE

BILL TO AMEND—FIRST READING

Hon. Noël A. Kinsella (Deputy Leader of the Opposition) presented Bill S-32, to amend the Criminal Code to prohibit trafficking in persons.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read a second time?

On motion of Senator Kinsella, bill placed on the Orders of the Day for second reading Tuesday, October 24, 2000.

[Translation]

**PARLIAMENTARY DELEGATION TO PEOPLE'S
DEMOCRATIC REPUBLIC OF ALGERIA
AND KINGDOM OF MOROCCO**

REPORT TABLED

Hon. Pierre De Bané: Honourable senators, pursuant to standing order 23(6) I have the honour to table in both official languages the report of the parliamentary delegation which travelled to Algiers, in the People's Democratic Republic of Algeria at the invitation of the Conseil de la Nation, from November 19 to 25, 1999, and to Rabat, Kingdom of Morocco, from November 25 to 29, 1999, at the invitation of the Chambre des conseillers. This report covers the trip by a delegation from the Senate to these two countries of the Maghreb: Algeria and Morocco.

[English]

**ASSEMBLÉE PARLIAMENTAIRE
DE LA FRANCOPHONIE**

REPORTS OF CANADIAN DELEGATION TO MEETINGS
HELD IN YAOUNDÉ, CAMEROON TABLED

Hon. Pierre De Bané: Honourable senators, I have the honour to present to the house, in both official languages, two reports of the Canadian Branch of the Assemblée Parlementaire de la Francophonie, as well as the financial reports relating to them.

The first report deals with the bureau meeting held on July 4, 2000, and the second one deals with the twenty-sixth ordinary session, which took place from July 6 to July 8, 2000. Both meetings were held in Yaoundé, Cameroon.

THE CONSTITUTION

NOTICE OF MOTION TO AMEND

Hon. Serge Joyal: Honourable senators, I give notice that on Monday next, October 23, 2000, I shall move that:

WHEREAS the *Constitution Act, 1982* provides that an amendment to the Constitution of Canada may be made by proclamation issued by the Governor General under the Great Seal of Canada where so authorized by resolutions of the Senate and House of Commons and resolutions of the legislative assemblies as provided for in section 38 thereof;

NOW THEREFORE the Senate resolves that an amendment to the Constitution of Canada be authorized to be made by proclamation issued by Her Excellency the Governor General under the Great Seal of Canada in accordance with the schedule hereto.

SCHEDULE

AMENDMENT TO THE CONSTITUTION OF CANADA

1. Section 33 of the *Constitution Act, 1982* is repealed.
2. The said Act is further amended by replacing section 61 with the following:

“61. A reference to the “*Constitution Acts, 1867 to 1982*” shall be deemed to include a reference to the “*Constitution Amendment Proclamation, 1983*” and to the “*Constitution Amendment Proclamation* year of proclamation”.

CITATION

3. This Proclamation may be cited as the “*Constitution Amendment Proclamation*, year of proclamation”.

QUESTION PERIOD

THE SENATE

REQUEST TO TABLE LETTER FROM THE MINISTER OF HERITAGE REGARDING CANADA NATIONAL PARKS BILL

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, my question is addressed to the Leader of the Government in the Senate. Could the leader advise whether or not he has received a copy, in both official languages, of the letter from Minister Copps relating to Bill C-27? If so, is it his intention to table the letter in this house in both official languages?

Hon. J. Bernard Boudreau (Leader of the Government and Minister of State (Atlantic Canada Opportunities Agency)): Honourable senators, the answer is yes. I received it late yesterday afternoon and placed it in the custody of the Deputy

Leader. If he still has both of those letters we can table them, with leave, at any time.

Senator Kinsella: I thank the minister for that.

PRIME MINISTER'S OFFICE

TAPING OF TELEPHONE CONVERSATIONS

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Does the minister have the practice in his office of tape recording telephone calls coming to him as a minister of the Crown?

Hon. J. Bernard Boudreau (Leader of the Government and Minister of State (Atlantic Canada Opportunities Agency)): No, honourable senators, I do not have that practice, either in my office or with any other telephone that I might use.

Senator Kinsella: Honourable senators, could the minister advise whether or not there is any policy of his government relating to ministers tape recording calls coming to the offices of members of the Government of Canada?

Senator Boudreau: Honourable senators, I have never been advised of any such policy, and I am certainly unaware if there is one. I must conclude that there is not a formal policy.

Senator Kinsella: Honourable senators, the *Saint John Times Globe*, which is the evening newspaper generally distributed in the City of Saint John, and the *Montreal Gazette*, of today are carrying a Southam newspaper article which says:

...the Prime Minister's Office has telephone message recordings of Ms Wayne seeking a patronage post.

Could the minister advise as to whether or not there is any prohibition of the tape recording of telephone messages to members of the executive, whether it comes from a member of Parliament or whether it comes from an ordinary Canadian citizen?

• (1630)

Senator Boudreau: Honourable senators, as I say, I am not familiar with any such policy. I can only tell the honourable senator that I have never adopted the practice. Mind you, I have never been President of the United States or Prime Minister of Canada.

Senator Prud'homme: There is hope for you yet.

Senator Boudreau: One lives in hope. I am not aware of any such policy.

Senator Kinsella: I thank the minister for that answer. It is his position, I take it, that he would find that a distasteful practice, at least not a practice in which he would engage; is that correct?

Senator Boudreau: It is certainly not a practice that I have adopted in the past, and unless there were unusual circumstances, I would not plan to adopt it in the future.

AGRICULTURE

PLIGHT OF NATIONAL INDUSTRY IN THE INTERNATIONAL MARKET

Hon. Leonard J. Gustafson: Honourable senators, I rise to ask a question, recognizing that the mood of the house has been so cordial today. It will be no surprise to the leader that my question is on agriculture.

It is important that all honourable senators apprise themselves of the situation that exists in agriculture in Canada as it relates to the global situation. It is critical. I think that the Senate has grasped well and understands the problem that exists. It will not take the decision of one person but of many to deal with this situation. I can tell honourable senators that I talked personally to the Minister of Finance about this issue yesterday. I also talked to Minister Gray about it, and I will talk to anyone willing to listen. This is a serious situation.

I ask the leader if he will apprise himself — for our national good — of the global situation that is facing agriculture in Canada?

Hon. J. Bernard Boudreau (Leader of the Government and Minister of State (Atlantic Canada Opportunities Agency)): Honourable senators, as I have said previously, I greatly appreciate the honourable senator's efforts to help me gain an understanding of the situation, particularly in the Western provinces, with respect to agriculture. I must say that I have had some assistance from honourable senators on this side of the chamber as well. When one does not come from an area that is involved, then one does not tend to turn one's attention to it to the same extent. While I do not claim to be the most knowledgeable person in the world on the subject, the honourable senator and others have created in me a sensitivity to the nature and the magnitude of the problem. It is not one that can be dealt with on a year-to-year basis. It is not one that we can forever attempt to cure with a patchwork, band-aid approach. We must deal with some fundamental, serious, long-term issues. Wherever I might be, I will certainly follow that debate, and if I have an opportunity, I will participate in it.

FISHERIES AND OCEANS

EFFORTS OF GOVERNMENT TO COMMUNICATE BROADER ISSUES TO NATIVE PEOPLE— PROGRESS OF NEGOTIATING PROCESS

Hon. Brenda M. Robertson: Honourable senators, my question is addressed to the Leader of the Government in the Senate.

The environment down East is quiet now between our native people and the fishers. I should like to know and our people should like to know what plans the government has, either in joint committees of DIAND and the Department of Fisheries or however, to communicate with our native people in order to have a better understanding of the larger issue, which is not merely a fisheries problem. What is the government doing in order that

our people will not have to go through the agony they have gone through this past season?

Hon. J. Bernard Boudreau (Leader of the Government and Minister of State (Atlantic Canada Opportunities Agency)): Honourable senators, the issue, as the honourable senator quite rightly points out, is much larger than the fishery. The issue is one of fundamentally accommodating a major transition for the First Nations people all across the country. It has been particularly acute in Atlantic Canada because it has focused around the fishery in a very particular way over the last year, following the *Marshall* decision and other decisions in the past, such as *Delgamuukw*.

As the honourable senator will know, the government was successful in negotiating with 32 of the 34 bands in Atlantic Canada to gain interim agreements to deal with that fishery. The operative word is "interim" because all those agreements will expire. In order to make substantial progress, future discussions must take place in a much larger context and must involve not only the two federal departments the honourable senator mentioned, but also provincial governments and, of course, the First Nations people and their representatives. I believe the government is moving forward with those discussions. I do not think they will be simple. I do not think they will be resolved quickly. However, so long as the parties are willing to move the process forward in good faith, then I think it is possible to deal with the interim situation until we achieve an overall solution.

Senator Robertson: Honourable senators, has the government formed its negotiating group so that work can be carried out all fall and through the winter? If the government has, could we be advised as to the makeup of that negotiating group? If it is still to be formed, could we please be advised as to when that will happen?

Senator Boudreau: Honourable senators, I will attempt to advise the honourable senator as to what progress has been made and at what stage that process now stands.

What we refer to as tripartite negotiations have gone on in various provinces. Those structures remain. The issue is whether people are in a position now to move on with the large issue. In that respect, I will try to obtain an up-to-date report.

ENVIRONMENT

COMMUNICATION TO MINISTER OF SENATE REPORT ON ENVIRONMENTAL ASSESSMENT OF PROPOSED LANDFILL AT ADAMS MINE, TIMISKAMING DISTRICT, ONTARIO

Hon. Mira Spivak: Honourable senators, the Senate passed a resolution on Tuesday asking the Minister of the Environment to intervene following the vote of Toronto city council to send all of that city's garbage to the Adams Mine. As honourable senators know, people around that area, although not necessarily those in the townships, are violently opposed to this plan. Not only that, the farming community further downstream has great fears. There are big problems with leakage through the fracturing rock.

Now that the Senate has approved this resolution asking the Minister of the Environment to ensure that there is a proper federal environmental assessment, can the leader please inform the Senate how he will convey this message to the Minister of the Environment? Will he phone him? Will he send him an e-mail? Will he fax him? Will he confront him by the lapels and shake him? Will he send him a letter? Could the leader tell us how he will do this?

Hon. J. Bernard Boudreau (Leader of the Government and Minister of State (Atlantic Canada Opportunities Agency)): Honourable senators, I can eliminate from the list shaking him by the lapels, but we would, of course, send him a copy of the resolution. My office perhaps has already done that. I will check after the session today to see that this has happened.

Ultimately, that decision is in the hands of the Minister of the Environment. However, I am sure the work done by the committee and the resolution passed here this week will be taken into account by the minister and will be helpful to him in making his decision.

• (1640)

Senator Spivak: I hope, honourable senators, this means that the leader will be a personal advocate and see to it that the minister reads the Senate resolution, absorbs it and looks favourably upon it?

Senator Boudreau: Yes.

CHURCH COMMUNITY

INDIAN AFFAIRS—FINANCIAL SUPPORT FOR LAWSUITS BY FORMER STUDENTS OF RESIDENTIAL SCHOOLS— GOVERNMENT POLICY

Hon. Douglas Roche: Honourable senators, the Leader of the Government will recall that some time ago I raised with him the issue of the extreme financial hardship faced by many churches in Canada as a result of the excessive number of lawsuits emanating from the residential schools issue. Can the minister give me an update or some fresh information as to whether the government has resolved how much money it will pay out to alleviate the financial hardship on churches or in what manner the government will continue to address this issue?

Hon. J. Bernard Boudreau (Leader of the Government and Minister of State (Atlantic Canada Opportunities Agency)): Honourable senators, that issue is before the government. The Prime Minister has asked the Deputy Prime Minister, the Honourable Herb Gray, to take a leadership role in meeting with the various parties, including the churches, stakeholders and other groups, to form a recommendation on this matter and report to the Prime Minister personally. To the best of my knowledge, that process is still underway.

Senator Roche: Honourable senators, I suppose that is a step forward.

I have been away for a few days and I missed the announcement of the Leader of the Government's new portfolio, for which I congratulate him and wish him well; but will the minister be able to carry the ball forward on this issue? Will the minister be able to represent to Mr. Gray, who commands intense respect across this country, that the right action for the government — which is not exactly broke these days — is to address the issue of the churches for the well-being of Canada?

Senator Boudreau: Honourable senators, the Honourable Senator Roche makes his position very eloquently and forcefully. I can tell him that discussions have taken place where others have shared that view. These discussions have occurred both in the government caucus and at the cabinet table. They will occur on an ongoing basis.

However, the Prime Minister has indicated how seriously he regards this particular situation by delegating the task to the Honourable Herb Gray, who, as the honourable senator has pointed out, is a man eminently suited to canvass the parties, the stakeholders and the situation and bring back a recommendation to government and to the Prime Minister.

Senator Roche: Honourable senators, will the Leader of the Government in the Senate, in his capacity as an important figure in the cabinet in an economic portfolio, personally convey these sentiments to Mr. Gray? Will the minister do that personally?

Senator Boudreau: Yes, honourable senators, I will convey those sentiments to Mr. Gray at the first opportunity.

FOREIGN AFFAIRS

SUMMIT OF THE AMERICAS CONFERENCE, 2000-2001— INVITATION OF PRESIDENT OF CUBA

Hon. Marcel Prud'homme: Honourable senators, I have one comment to make before I pose my question. I was in the Liberal caucus for 30 years. We used to say, "If you want to bury something, give it to Herb."

There is another saying. If you are in trouble, Mr. Tobin used to say, "Don't worry, Prime Minister, we will pass that on a Friday."

My question is this: Does the minister have any further developments to report with regard to when I can start campaigning to invite Fidel Castro to the Summit of the Americas in the spring, as we will not be sitting at that time? I will have a lot of time at my disposal to convey my thoughts to the people of Quebec — I do not like the word "Québécois," so I hope it is well translated. The summit is in Quebec City. I want Mr. Castro to be there one way or another. I want Canada to exercise some leadership. We are the summit hosts.

Does the minister have any late-breaking news, as this is the last opportunity we have before God knows when in February, and — who knows — maybe some of us will not be here then?

Hon. J. Bernard Boudreau (Leader of the Government and Minister of State (Atlantic Canada Opportunities Agency)): Honourable senators, when we last had this exchange on this topic, I cannot recall specifically who the minister was. The latest news may be that there is a new minister in that portfolio who, no doubt, is being challenged to get up to speed on all of the issues. This will be one of the issues for him. I have nothing further at this time to add to my answer in the past.

Senator Prud'homme: Honourable senators, the minister promised to raise the question directly with the leader pertaining to a very important point raised by Senator Roche. The summit is not for ministers of foreign affairs. It is a leaders' summit. It is the leader of the country who is the host and it is the leader who invites other leaders.

Would the minister convey strongly my views to the leader? At the last cabinet meeting before the campaign begins — and good luck, as I said yesterday; I am not hypocritical — will my honourable friend convey directly that the host country is Canada, that it is a summit of heads of state, and that the letter of invitation is signed by the host country's leader and not the Minister of Foreign Affairs? I may be wrong, but if I am, do not worry; I will be corrected rapidly by telephone by the Foreign Affairs officials. They always do correct me when I am wrong.

Senator Boudreau: I would be happy to convey the honourable senator's views. Just to be sure, I will convey them to both the Prime Minister and the new Minister of Foreign Affairs.

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, could the Deputy Leader of the Government review for all honourable senators the expected flow of the business of the house for today, tomorrow and next week, if we are here, but at least over the next couple of days?

I do know that the other place has on its Order Paper Bill C-44, to amend the Employment Insurance Act. I would indicate that, as far as the official opposition in the Senate is concerned, we certainly will deal with that bill expeditiously should we receive it from the other place. I wanted to indicate that to the deputy leader such that he reflects and shares with us how he sees our business unfolding should the House of Commons send us Bill C-44.

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I thank the Honourable Senator Kinsella for his question because it gives me an opportunity to outline, as best I can, how I see the next two days in terms of our work. I

make this comment in that it seems these may be the last two days before a possible dissolution.

We have some important government business before us, and we have potentially Bill C-44, to which Senator Kinsella referred. Let me review what I see as the work ahead of us, following which I would be more than happy to deal with his or other senators' questions or comments with respect to how we proceed today and tomorrow.

We already have on our Orders of the Day for today Bill C-14 and Bill S-30, and we now have Bill C-41.

• (1650)

Bill C-41 is the veterans' benefits bill. Senator Kirby has brought it here by reporting the bill on behalf of his committee, under the appropriate heading. Leave was given to address that report later this day, which is the equivalent of third reading. That would be under "Government Business," and that is what I am describing now.

To repeat then — because it is confusing — we have Bill C-14 as printed in the Orders of the Day. We have Bill S-30. We have Bill C-41, which we have just discussed. Now, under "Government Business," at second reading, we have Bill C-45, pursuant to the motion earlier this day.

Let me go through these C-bills then. It is our hope that Bill C-14 and Bill C-41 will be debated and voted on today. Bill C-45 presents us with a bit of a challenge, which we will discuss. It is unusual to contract the proceedings of this place in such a way that we could deal with a bill in one day, but my hope is that we would be prepared to do that. There will be speeches, which, if permitted to be given, will provide compelling reasons for us to deal with this bill, involving our role as representatives of the provinces and the importance of this particular bill.

How would we do that? We have a regular practice of not dealing with legislation unless it has been addressed by committee. I will make a proposal that we go into Committee of the Whole later this day. As Committee of the Whole, we would normally hear from the minister responsible and officials. I know from discussions with my counterpart, Senator Kinsella, that even though this bill is not the responsibility of the Minister of Health, it deals with health, and they would like to see the Minister of Health. I have made inquiries, but unfortunately the Minister of Health is not here.

The ministry responsible for this bill is the Ministry of Finance. The Minister of Finance usually has the Secretary of State for Finance appear with officials. That is what we will propose. I will come to the timing of that in a moment.

There has also been a recent practice to televise proceedings such as that. I have made inquiries and CPAC is not able to provide that service to us. When they did provide the service on the last occasion we had some problems.

I envisage that we will proceed with this legislation today. Bill C-45 is at second reading stage. Senator Callbeck is the sponsor of that bill. She has a short speech, and I expect there will be comments from other senators, in particular from members of the opposition. It is my hope that, following that, we can move to go into Committee of the Whole, hear from Mr. Peterson and officials, then report back and proceed to deal with the bill, if we wish, at that point.

The timing of all of that is something also deserving of comment and which perhaps will prompt questions. It is now 4:55 p.m. We have some business, which I assume will take at least half an hour to an hour. That means we could not go into Committee of the Whole until 5:30 or 6:00 p.m., which is the time of our break.

When I have concluded answering questions, I propose to move a motion, with leave, that would see us suspend rule 13(1). That is the rule that requires us to rise at 6:00 p.m. If we suspend the rule, we can sit right through.

A number of bills, honourable senators, have been dealt with by this chamber and by the other chamber, so the question arises about Royal Assent. We need to sit tomorrow for a number of reasons, and for one reason in particular. It might be possible to deal with Royal Assent when we conclude our work today, but I think it would be better for us to plan to sit tomorrow and to give Royal Assent to those bills. Also, if we are sitting tomorrow, we may receive Bill C-44. Senator Kinsella asked specifically about that bill. We do not have that bill here as yet. Bill C-44 deals with employment insurance and, in particular, with changes regarding the rules. If we get the bill tomorrow, then we would be here and able to deal with it.

How many of us will be here, I am not sure, but our job is to be here in sufficient numbers to deal with the work of this place.

Bill C-44 is a bill that could be dealt with in one day with leave. We cannot contract, as we are proposing to do with Bill C-44 and Bill C-45, without unanimous consent.

Honourable senators, that covers the government business and how we would dispose of it and how it would all end with a Royal Assent ceremony.

There is other business on our Order Paper. I recount Senator Austin's earlier statement regarding the desire to have the eighth and tenth reports of the Standing Committee on Privileges, Standing Rules and Orders brought forward and discussed and disposed of in this chamber. I know that is something that would have to be debated and determined by all of us here.

As to the remaining items, there are a few matters on the Notice Paper that senators wish to speak to. There are some reports and inquiries. I will not comment on them because I do not consider them to be particularly controversial.

When we come to "Other" and item 80, because of the way we left our work yesterday we will find ourselves at the point where

Senator Joyal was asking a question of Senator Taylor. Senator Cools indicated that she was going to ask to adjourn this matter. It is a motion of Senator Taylor dealing with a message to the other place, or possibly to this place, based on the exchange; I am not sure which. It may be both. In any event, that will come up sometime. We may have to deal with it by referring it to the Standing Committee on Privileges, Standing Rules and Orders. Someone suggested that that would be a good idea.

Honourable senators, I will now deal with questions.

Hon. Marcel Prud'homme: Let me start by quoting something I saw in the office of His Honour the Speaker during the beautiful ceremony this morning when the new Pages were sworn in. It is written on the mural in the Speaker's chambers:

Nothing is well ordered that is hasty and precipitate.

Everything here is becoming hastily ordered and precipitated. I prefer the French translation: "Ordre exclut hâte et précipitation."

We are stampeding on Senator Murray's bill, on the official horse day or something. You want everything suddenly. I will help. You need five unanimous consents before the end of the day. Do not push your luck, but I will help. I am ready to speak to anything that is under my name. I am also ready not to speak, in order to be helpful on major pieces of legislation.

I know what is going on in the House of Commons at the moment. There are arguments between the Alliance Party and the Liberals, where they are saying, "It is your fault," and "No, it is your fault." We will not play that game. If the government wants a bill and we can precipitate it here, I would be happy to do so. In return, you will also have to give a few things. I negotiate publicly where I am better, as opposed to private.

● (1700)

Senator Gauthier is a pillar of the Francophonie outside Quebec, like Senator Robichaud, and others. He also wants a special committee for official languages that will be limited solely to senators. Thus, we would not need to sit all the time and wait for the House of Commons members.

Since there does not seem to be the will to give him his committee, why do we not agree that all these reports of committee be also left to tomorrow? That would mean modification to rule 86 and modification to rule 94.

I cannot speak for my colleague, but I would imagine that Senator Roche would also be willing to so sacrifice. However, I will let him speak. I would look to him and say that I will suggest that we would do that. If he does not wish to do that, it is fine with me, but he also wants to have rule 85 amended, but I am ready to let it go. I am ready to let go what is under my name. I am ready to speak on his behalf.

If you want to strike a new special committee, why not give one to Senator Gauthier? If you give one to Senator Gauthier, why not give one to Senator Roche? It is a give and take in this house to have some harmony. What you need the most is legislation so that the Official Opposition in the other place cannot blame us for pointing their finger at the Senate or the Liberals or the Conservatives.

That is my mood. I would like to find out how others feel. The Deputy Leader said we might come back tomorrow. We will see what we can do with all these reports of committees and amendments to the Rules of the Senate. I think the deputy leader will have difficulty getting to the main meal and I am trying to be helpful.

Senator Hays: Honourable senators, I thank Senator Prud'homme for offering to be helpful. He has already been helpful in terms of agreeing to have us abridge certain times already this day. I am thankful to the honourable senator for that.

I listened carefully and many of us are familiar with the dynamic of debate involving the committees, whether we have two additional ones, whether independent senators sit on committees as voting members, and also Senator Gauthier's initiative concerning having a standing committee of the Senate on official languages, which means that we would not have a joint committee and give notice of our desire to not participate in a joint committee with the other place.

These things are up to the honourable senators. I can only speak as Deputy Leader of the Government with respect to management of our affairs. I cannot tell you what the result of votes would be. I see my job as getting the government's work done; but also as facilitating the rest of the Order Paper and Notice Paper in terms of allowing senators to debate and vote on matters.

I have not had a chance to caucus on these matters or discuss them with my counterpart. However, if I understood the honourable senator to suggest that Senator Gauthier's motion to strike an official languages committee of the Senate is the basis on which he would be agreeable to proceeding with debate and votes on other matters, then I accept that.

I know from discussions that I have had with my counterpart that resolving the issue of independent senators sitting on committees is not easily undertaken by me. In terms of doing house business, I am bound by negotiations that are obvious if you review the record. That is a difficult issue and not one that is dealt with by a motion, as is the case with the eighth and tenth report or as is the case with Senator Gauthier's proposal. Senator Roche's motion was part of the eighth report and as a matter of order could not be left there and is now a separate matter.

I will not mislead the honourable senator. The fact of the matter is that I cannot give him an undertaking personally as the House Leader on this side. I do not know what other senators, in

particular my counterpart, would think about that in any event. Based on what I know, I do not think that is a doable thing.

However, Senator Gauthier's motion is doable. I would be happy to accept the invitation of Senator Prud'homme to proceed to deal with that matter. The Senate will vote the way the Senate votes. I do not have any objection to the matter as a senator, but speaking as a house leader it is up to all senators to make that decision.

That is the best answer I can give. You may be able to help clarify the questions and answers with a further comment.

While I am on my feet, one of the other things I will do when this exchange is completed is table some copies of letters from Minister Copps regarding Bill C-27.

Senator Prud'homme: Honourable senators, I am not wheeling and dealing on behalf of Senator Gauthier. However, I am trying to be helpful to the government for the major piece of legislation that it wants to pass prior to the adjournment.

We do not play the games of the House of Commons that is why I conduct these matters openly and in public. All the interested parties are here. We could do much. There may be a vote or anything you want. The honourable senator knows the rules and he knows I am getting to become like Senator Frith, my new Bible is the red book, not the political Red Book. We are trying to be helpful.

Some senators may suggest that I am only interested in my own interests, however, I would also ask about the item standing in the name of Senator Perrault. He will not be back before Parliament comes back. I know some senators would like to speak to the matter. I am one of them, but I am willing to not speak.

There are three items in Senator Gauthier's name, two of them stand in my name and one under the name of Senator Roche. People seem to be determined to get to reports of committees that are debatable and will be debated. Then we need unanimous consent for six o'clock. We look stupid by refusing, but some will say once in my life I will say "no." However, I want to listen to Senator Callbeck. That is a major piece of legislation. Unanimous consent will be needed for that and for third reading, too.

This is not a session of blackmail, I am not made like that. It is not my style. If I were to blackmail, I would do it privately and I have never done it. However, there are things that are debatable and will be debated.

You want to get to the major pieces of legislation. I am now in the hands of Senator Kinsella who has many items standing in his name and to honourable senators who are determined to get their day. They may not get their day, because their day is debatable, amendable and votable.

Senator Hays: A brief comment, honourable senators. There are a number of items that the honourable senator has adjourned or that are standing in his name or in other senators' names to which the Honourable Senator Prud'homme would like to speak. That is a Herculean task to speak to them all today. I do not think that is what he wishes to do. I know he wishes to speak to some of them. I do not think that is the problem. We can do that and I am sure that we could accommodate a long morning tomorrow morning to deal with things, but voting on them is the real issue.

I will take my seat. I understand the senator to be saying that we should proceed and see what happens. I appreciate very much, as in the past, Senator Prud'homme's assistance with our business by allowing us to proceed with the contraction of the two-day or one-day notices that are required.

• (1710)

I recall what the honourable senator said, and he will recall what I said, about Senator Gauthier's motion regarding a committee on official languages.

Senator Kinsella: Honourable senators, Senator Prud'homme has drawn our attention to a passage that is inscribed on the walls of the Speaker's chamber concerning order. There is another quotation, which Senator Grafstein is well aware of, being a great student of St. Thomas Aquinas, and that is "*Sapientia est ordinare*." Translated to English, it means "Order is the essence of wisdom." That is why this discussion is very important. As we are operating under extraordinary circumstances, in terms of the press from the other place, we need to know what our order will be over the next two days.

We, the Official Opposition, are committing ourselves to assist in the passage of government legislation, in particular Bill C-45. If we get Bill C-44, the Employment Insurance bill, we would undertake to expedite our consideration of it, going through all stages, with Committee of the Whole. That would happen tomorrow, if we get the bill.

Speaking of tomorrow, it is my understanding that the thinking of the other House is that there will be Royal Assent around noon tomorrow. If that is the case, we have to hear early in the day their disposition on Bill C-41, or Royal Assent will have to be later in the day.

We recognize the priority of government legislation and do not see the priority of other issues on the Order Paper. Therefore, today we will go through the entire scroll and will participate in debate on everything that is standing in our name. Nothing will be stood from our side on which we know that people want to participate in a wholesome debate.

However, with regard to tomorrow, we suggest, as I believe Senator Prud'homme is suggesting, that we recognize government legislation. We will do what we can to be helpful to deal with that legislation, but we do not see ourselves dealing

with items tomorrow other than items under Routine Proceedings and government bills.

Senator Hays: Honourable senators, if I understand correctly, Senator Kinsella is agreeing to sit tomorrow and to do what we can to deal with Bill C-44, and that of course we will have a Royal Assent, because there are a lot of bills that require Royal Assent, but that, apart from items under Routine Proceedings, we should not be voting on other matters.

We would normally adjourn until 9 a.m., and I think we will leave it at that, but perhaps we should reflect in a house order today what we will deal with tomorrow. As I understand it, we would go through the Order Paper and deal with proceedings on Bill C-44, and if we get it, have Royal Assent. We would not vote on anything else, or perhaps even leave matters standing on the Order Paper for next week, if we do sit next week. We could deal with that under a house order before we finish our business today. It is probably best done immediately prior to the adjournment.

Senator Kinsella: That is agreed.

Hon. Douglas Roche: Honourable senators, I wish the deputy leader to understand that I fully respect his need to secure the government legislation that he has named.

I seek clarification. My motion, No. 83, deals with a change to the rules of the Senate. This whole discussion is predicated on the assumption that there is no day after tomorrow, so everything must be done. If I allow my motion to stand in the interest of cooperating with the Deputy Leader of the Government to get the business done before tomorrow, can I be assured that no other vote would be held on anything now on the Order Paper that changes the rules of the Senate?

I want to be sure that my question is clear. If I allow my motion to stand, can I be assured that no change in the rules of the Senate will be made under the arrangement now being put forward?

Senator Hays: Honourable senators, that is not what I meant when I said there would be no votes on anything tomorrow. That is my understanding of how we will leave things at the end of the day today. We would deal with nothing other than Bill C-44, if we get it, and Royal Assent. I suspect that we will not get Bill C-44 in light of the fact that I have just heard that an attempt to get unanimous consent to deal with it today has not been given, but you never know about tomorrow. We would not vote on anything else. We would have a day of limited business tomorrow, but today any item on the Order Paper could be dealt with and voted on or not.

I believe that Senator Roche has in mind the eighth report. There is still a desire by our side to attempt to deal with that now. It will be up to the Senate to decide whether to vote. It is to be hoped that that there will be a compelling, clear, and concise argument that will make it easy for us to decide whether to pass the eighth report.

To be clear, I did not say that that would not come up today, only that it would not come up tomorrow, that nothing would come up tomorrow except Royal Assent and Bill C-44, if we get it.

BUSINESS OF THE HOUSE

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(a), I move:

That with respect to today's proceedings the provisions of rule 13(1) be suspended.

The Hon. the Speaker: Is leave granted?

Some Hon. Senators: Agreed.

Hon. Marcel Prud'homme: Honourable senators, when it is moved that we suspend a rule, I should like to be given a chance to read that rule.

[Translation]

The Hon. the Speaker: Honourable senators, I thought Senator Hays had explained that, if we are in session or in the Committee of the Whole, the Speaker or the Chairman will not be required to rise at 6 p.m., and that the sitting of the Senate or of the Committee of the Whole will continue regardless of the time.

[English]

Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

• (1720)

LETTER FROM MINISTER OF HERITAGE REGARDING CANADA NATIONAL PARKS BILL TABLED

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, there is one other housekeeping matter for which I need leave. I must request leave to table a document pursuant to rule 28(4), which states:

28(4) With leave of the Senate, at the time provided in rule 23(6) —

— and we are past that time —

— any Senator may lay upon the Table any paper relating to the business before the Senate.

The paper I wish to lay before the Senate at this time, with leave — because the time as set out in rule 23(6) has passed — is a copy of a letter, in both official languages, from the Minister

of Canadian Heritage with respect to an undertaking to introduce an amendment to Bill C-27 at a future date, which letter was read into the record by the Leader of the Government yesterday.

The Hon. the Speaker: Is leave granted, honourable senators, to table the document?

Hon. Senators: Agreed.

MANITOBA CLAIM SETTLEMENTS IMPLEMENTATION BILL

THIRD READING

Hon. Thelma J. Chalifoux moved the third reading of Bill C-14, respecting an agreement with the Norway House Cree Nation for the settlement of matters arising from the flooding of land, and respecting the establishment of certain reserves in the province of Manitoba.

She said: Honourable senators, I rise to address the Senate on Bill C-14, the Manitoba Claim Settlements Implementation Act. This proposed legislation will help us fulfil our historical obligations to Manitoba First Nations and at the same time foster conditions conducive to the economic self-reliance of First Nations.

As my fellow senators will recall, this legislation has two parts. Together, these will facilitate the implementation of claim agreements with Manitoba First Nations. Part 1 of the bill concerns the Norway House Cree Nation Master Implementation Agreement. Part 2 deals with the establishment of reserves in Manitoba under claim settlements. Specifically, Part 2 will help First Nations to use lands in ways that actively stimulate economic development and assist in building the strong self-sufficient communities envisioned in "Gathering Strength — Canada's Aboriginal Action Plan."

This proposed legislation meets several of the commitments that the federal government set out in "Gathering Strength," Canada's response to the Royal Commission on Aboriginal Peoples. That action plan called for a stronger partnership with aboriginal people. A prerequisite for developing such a partnership is an honouring of our past commitments.

Bill C-14 addresses two kinds of outstanding obligations on the federal government's part. First, it helps bring final resolution to problems that arose with the implementation of the Northern Flood Agreement as it affected the Norway House Cree Nation. Second, it addresses the implementation of settlements relating to treaty land entitlements and specific claims for First Nations in Manitoba.

Of these two types of land settlements, treaty land entitlements involve the larger amount of land. As my fellow senators are no doubt aware, treaty land entitlements are claims that involve the creation of reserve lands promised under treaties signed by the Crown and First Nations. For various reasons, not all First Nations in Western Canada received the full amount of land promised to them when they signed the treaties.

The federal government is committed to fulfilling Canada's obligation to provide additional lands to First Nations with treaty land entitlements. As a treaty land entitlement First Nation, the Norway House Cree Nation will benefit from both parts of Bill C-14.

While on the subject of the Norway House Cree, I should like to take a minute or two to revisit the background of the Northern Flood Agreement of 1977. Norway House is one of five northern Manitoba First Nations that were affected in the early 1970s by flooding caused by hydro-related projects on the Nelson and Churchill Rivers and by the Lake Winnipeg Regulation Project. The others were the Split Lake Cree, Nelson House, York Factory and Cross Lake First Nations. As a result of a hydro-related project, almost 12,000 acres of reserve land and more than 525,000 acres of non-reserve lands were flooded.

Let me mention some of the negative economic and social consequences that resulted from the massive flooding of the five First Nations communities. There was destruction of homes and properties, contamination of drinking water supplies, and disruption of water transportation routes. In many areas, traditional livelihoods of hunting, fishing and trapping ceased to be an option for First Nations people. They were forced to rebuild their lives.

Honourable senators, I wish to add here that it took the Englishman almost 500 years to rebuild his life through the industrial revolution, but he expected the Norway House and the other Cree nations in northern Manitoba to do it overnight.

In September 1977, the Northern Flood Agreement was negotiated to address the problems caused by the floods and to compensate the five First Nations for their losses. Unfortunately, that agreement failed to live up to its promise. It is a sad fact that weaknesses in the scope and language of the agreement prolonged the hardships of the five affected Manitoba First Nations.

In 1990, all parties to the Northern Flood Agreement — that is, Canada, the Province of Manitoba, Manitoba Hydro and the Northern Flood Committee, acting on behalf of the five First Nations — came together in an attempt to resolve this issue definitely. Four agreements followed from these discussions.

Norway House was the fourth Manitoba First Nation to sign an implementation agreement to settle outstanding commitments under the Northern Flood Agreement. Each of the four implementation agreements has included a financial compensation package and a community infrastructure program, as well as provisions for far more extensive new reserve lands that were promised under the 1977 Northern Flood Agreement and for fee simple ownership of other lands.

Parliament has already passed legislation concerning the agreements with Split Lake Cree, Nelson House and York

Factory First Nations. Part 1 of Bill C-14 will do the same for the Norway House Cree Nation.

The resolution of Norway House's Northern Flood Agreement issues will bring the community several distinct benefits. These include direct control over their master implementation agreement funds and fee simple lands, which will in turn enhance their opportunities to achieve their economic development goals. The Norway House Cree will also benefit through a locally run, and therefore more responsive, arbitration process for claims under the master implementation agreement and the Northern Flood Agreement.

All citizens of Manitoba and, indeed, Canada will also benefit, honourable senators, as Norway House becomes more self-reliant through a stronger community-based economy, and Canada will have honourably settled a liability by resolving issues outstanding under the Northern Flood Agreement.

The first provision of Part 1 relates to fee simple lands. Bill C-14 will ensure that any lands provided to Norway House in fee simple title do not become special reserves under section 36 of the Indian Act. Instead, they will remain as fee simple lands, held by a corporation established by Norway House. This means that the Norway House Cree will be able to use and control these lands as they see fit, within the parameters of the provincial land regime. The First Nation will be in a position to use the lands to stimulate economic development. It will exercise all the rights and options available to private landowners, something that was simply impossible under the cumbersome restrictions of the Indian Act.

The second provision, relating to compensation monies, will also enable the First Nation to operate outside certain Indian Act regulations that have severely hampered economic development in the past. Monies owed to Norway House under its implementation agreement will not be administered as Indian monies under the Indian Act. Instead, the monies will be paid to and administered through a trust created by the Norway House Cree Nation for the benefit of the First Nation and its members. Norway House will use these funds for a wide range of purposes, all of which support its members' well-being. These include socio-economic development, resource harvesting and remedial work.

Honourable senators will be pleased to note that important safeguards are in place to ensure that decisions made by the First Nation regarding the fee simple lands and monies are transparent, communicated to its membership, and in the community's best interests.

• (1730)

The third provision of Part 1 will give the Master Implementation Agreement precedence over the Northern Flood Agreement when a claim arises that could be settled or adjudicated under either agreement. This will lead to a locally administered, more effective approach to claims resolution.

The fourth and final provision of Part 1 of Bill C-14 will ensure Canada's involvement in arbitration proceedings conducted under the Manitoba Arbitration Act to resolve disputes under the Master Implementation Agreement. This will allow the arbitration of any differences over the agreement's implementation.

To sum up, Part 1 of this bill enables an implementation process that will better achieve the intended results of the Northern Flood Agreement.

I reiterate that we are not creating new commitments with this legislation; rather, we are living up to commitments. This is an honourable undertaking, very much in the spirit of "Gathering Strength."

Honourable senators, I should now like to consider Part 2 of Bill C-14 and its potential benefits for creating healthy economies for Manitoba's First Nations. There are 27 First Nations in Manitoba who did not receive their full land entitlement under treaty. Under the 1997 Manitoba Treaty Land Entitlement Framework Agreement, affecting 20 Manitoba First Nations, up to 450,000 hectares are to be set apart as reserve lands. Seven other Manitoba First Nations have treaty land entitlement settlements predating the framework agreement that involve another 62,000 hectares of land.

Far from being limited to these treaty land entitlements, Part 2 will expedite the implementation of all claim agreements across the province, existing or future, that contain commitments to expand the First Nations reserve land base. For example, existing specific claim and northern flood settlements in Manitoba will also benefit from Part 2.

Exactly how will Part 2 assist in implementing these settlements? In essence, it will do two things. First, Part 2 empowers the Minister of Indian Affairs and Northern Development to set apart as reserves any of the lands selected by Manitoba First Nations under a claim settlement agreement. With this provision, there will be no need to ask the Governor in Council to establish these new reserves — a time-consuming, laboured process at best.

The second, and more important goal of Part 2 is to establish effective mechanisms for accommodating and protecting third-party interests that are identified during the process of creating new reserves. Let me briefly outline why this is the case. Under the current wording of the Indian Act, a First Nation can only consent to the creation of interests on land that is already part of a reserve, not on land that is simply being proposed for reserve status.

As it now stands, therefore, the limitations of the Indian Act currently leave First Nations with only two options. One option is for the First Nation to buy out and cancel the interest. This is, however, often to no one's advantage, least of all the First Nation's, as such purchases can be expensive and cancellation will deprive the First Nation of rents or royalties the interest would have garnered. Alternatively, the Indian Act limitations

effectively eliminate from consideration many parcels of land that have an existing third-party interest. This can be the case even if that third-party interest is something as basic as a right-of-way.

This unfortunate reality arises because the First Nation cannot deal with a third-party interest until the land is granted reserve status. Understandably, the holder of that interest is unlikely to agree to the transaction without the First Nation's binding commitment that the holder's rights will not be at risk from the simple transfer to reserve status and the change of jurisdiction from the provincial to the federal.

Honourable senators, because of these legal and administrative complications, First Nations have often been forced to pass up the opportunity to add valuable lands to their reserves — lands that could have made a real difference to their communities' economic prospects.

Honourable senators, I want to point out yet another way in which this bill will assist First Nations in advancing their goal of self-reliance. The provisions of Part 2 will also enable a First Nation to use the pre-reserve powers to negotiate new rights that will come into effect once the reserve is created. This addresses a situation different from the more usual accommodation of an existing interest, and it means that First Nations will be able to take advantage of potential development opportunities on selected lands even before reserve status is granted.

I would ask my fellow senators to keep in mind that these provisions do not apply solely to treaty land entitlement First Nations in Manitoba. These mechanisms will be available, should they be desired, to all Manitoba First Nations with claim settlements that involve additions to reserves, both today and in the future.

As honourable senators can see, Part 2 of Bill C-14 will result in a much broader range of land being available to Manitoba First Nations, particularly lands that have existing development interests or potential. The proposed legislation will also accelerate the process of adding lands to reserves, which can then begin to contribute immediately to a brighter economic future for First Nations members.

As I noted earlier, this legislation may be technical in nature but its scope is far-reaching and promising. In the absence of Bill C-14, Indian and Northern Affairs Canada will need to transfer any newly acquired Indian lands to reserve status through the existing process. That long, complex procedure, taking from 18 months to as much as five years, is obviously a terrible hindrance to First Nations' economic development and would be an administrative burden on the department.

Bill C-14 will open a realm of commercial and job-creation possibilities, with untold benefits for future generations. For the sake of the present and future generations of Manitoba First Nations communities, and in a spirit of Gathering Strength's new relationships, this is a bill that most definitely deserves our support.

Hon. A. Raynell Andreychuk: Honourable senators, I wish to thank Senator Chalifoux for her third reading speech. She most certainly has covered many of the points that appear to be in the bill. I use the word "appear" advisedly. The honourable senator has gone into the detail and given her opinion as to what this bill means, and that is why I think it is important that Senator Chalifoux put it on the record. It is in fact her opinion that I have more reliance on than anything that I have heard of about this bill to this point.

This bill died twice on the Order Paper before, despite people both on this side of the house and elsewhere asking that the bill that affected the Norway House Cree Nation flood situation be brought here. Twice, despite comments made on both sides of this chamber, nothing happened. The bill died on the Order Paper. In fact, elections were coming, which did not give the government the will to proceed. One wonders why, in what appears to be the dying days of this session, that there is suddenly an impetus to bring this bill forward. It would be interesting to investigate, to discuss, and to find out what is the impetus that has brought this bill to fruition today.

Honourable senators, I do not dispute what is said by Senator Chalifoux. It is very hard to do so, because this bill was not on a fast track here. Consequently, with other workloads, one does not look to bills, one continues to work on those that we have.

I want to pick up the thread that has permeated this chamber throughout our session, and that is that the Senate is systematically put in a position where it cannot do its work properly. Senator Taylor has addressed this, Senator Joyal addressed this, and our leadership on this side of the chamber continues to address the situation. Why do we receive bills — and particularly bills to do with aboriginals — in the dying days of a session? Why are we asked to act expeditiously on those bills? Why are we put in the position? Do we carry out our Senate responsibilities appropriately, and perhaps prejudice and risk losing some rights that aboriginals have, or do we favour the aboriginals and risk doing our fiduciary responsibility to aboriginals appropriately?

Honourable senators, I wonder whether 125 years ago, when treaties were signed, people thought that they were as good as this bill is thought to be by Senator Chalifoux? Will people, 100 years from now, all of the ancestors of the existing nation, say, "You hurried too much, you did not look into the details, and now the legislation is not quite as good as you said it would be"?

• (1740)

That is my concern, honourable senators. I wanted to at least meet a test that said I did my job well, that I went through first reading, second reading, committee, and third reading, as we normally should. We should not have to be squeezed by time and the impatience of senators as well as the government.

This bill did not have the courtesy of the minister. The minister did not appear before the committee. There was no explanation given, no substitute, no parliamentary secretary —

no one came to defend this bill. That is an injustice to the aboriginal people, and it seems to be a mismanagement — and I use that word advisedly — by the Government of Canada. This mismanagement is systemic, it would appear, not an aberration. This is not the first bill to be treated this way by this government.

The minister did not appear before the committee. Officials appeared, made some preliminary statements, and then we heard from groups or individuals who are minorities within that First Nation. I remind honourable senators that our responsibility is to minorities as well as to the national interest and others. While our responsibilities are to aboriginal peoples since they are a minority in this country, we also have a duty to minorities within minorities, and consequently a duty to anyone who disputes with the majority in any First Nation. We must listen to them, and we did hear some of these witnesses. However, we ran into technical problems with our video conference, which added to the difficulties, and the committee struggled.

I had particular questions, and I think they were shared by some senators on both sides, but there was no one to answer the questions. Thankfully our clerk, being very astute, realized that some of us take our responsibilities seriously and telephoned departmental officials asking them to come back to answer questions. They were not at their offices. They were not monitoring this bill. I have never before sat in a committee where there has not been some government official or other political official sitting in to monitor what senators are saying. We had to call them back. I do not believe they are anything less than fine professionals, but I wonder what kind of leadership they are receiving from their political masters. When they arrived, I was pleased that they were able to answer some of the questions that troubled me. I want to go to those two areas now, honourable senators.

First, because the Norway House Cree Nation negotiated with the federal government and others, before the contents of Bill C-14 could be dealt with, the master agreement had to be ratified. The federal government, exercising its fiduciary responsibility, negotiated with that Cree nation a process to have the people within the reserve and those off the reserve vote. They established a formula that one would hope would be just and fair. The interesting thing to note here is that those complaining about this bill are complaining that in the ratification process, the vote failed. It did not pass. What happened then?

The federal government, exercising its fiduciary responsibility — which I suggest is not only to the majority in the reserve, the band councillors and the chief, but to each and every aboriginal caught under that agreement — then renegotiated a formula that lowered the bar. In essence, this formula made it easier to get a vote, and, yes, the ratification passed.

It may be just and fair to have gone through a second negotiation, but the perception of justice is as important as justice itself. Those who felt they were wronged by the second vote continue to believe that they are wronged by the second vote. That is the dilemma in this bill.

Where was the minister to explain his fiduciary responsibility and to tell us that it was necessary, advisable and, in the proper context, the right formula to choose the second time? Is it appropriate for the federal Government of Canada to be setting a formula and then changing it in consultation with the leadership of the First Nation? Is that how the government exercises its fiduciary responsibility to the minority within the reserve? I have some question about that. There should have been a more appropriate dispute-resolution mechanism.

Thankfully, honourable senators, the department officials we requested to come back were at least able to explain that issue to me, and therefore I would not stop this bill on that point. The explanation is that after the second rules were put in place, the members who voted, and the way they voted, would also have resulted in a majority by the rules of the first vote. That gives me some confidence that there was some element of support for this proposal. However, it is certainly not the proper way to proceed. There are dissidents who feel aggrieved and who will continue to feel aggrieved. I do not believe this is the way we should handle these situations.

The second area with which I had a problem arises from a curious clause in the master agreement relating to treaty rights. One should know that under these agreements, no lessening of responsibility by the federal government under the Indian Act occurs. All of the obligations of the federal government under the Indian Act continue and the Charter protections continue. In the master agreement, section 13.13.3 states:

Treaty Rights. Nothing in this Agreement is intended to alter the aboriginal or treaty rights of Norway House Cree Nation or other aboriginal peoples recognized and affirmed under section 35 of the Constitution Act 1982.

What do the words "is intended" mean? Many, including lawyers, have argued that words must have some meaning in legislation. Many of the previous agreements have said something to the effect that "nothing in this agreement alters aboriginal or treaty rights." This agreement uses the phrase "is intended to alter the aboriginal or treaty rights." There is some discussion — and I have only been able to read very quickly and superficially the submissions that have been made — that this in fact gives a suspicion that there will be some tampering with the treaty rights of the Norway House Cree Nation.

Fortunately, again, the department was able to provide a limited judgment by Justice Muldoon. When this matter was taken to court, he indicated that he was satisfied that section 35 would not be breached in the circumstances of this case. The decision was not appealed. The decision does not give me full comfort, although it gives me at least something to hang my hat on to say that perhaps the rights of the Norway House Cree Nation will be fully protected under section 35 of the Constitution.

However, it would seem to me that the federal government is beginning to take for granted aboriginal negotiations. Aboriginal groups see other contracts and they see these contracts are

substantially the same and that words are slipping into them. The department officials say they now have a few other agreements that contain those words. I wonder why those words are being put into those agreements. Why do we not clearly state, particularly for minorities within the Norway House Cree Nation, that their rights are fully intact as individuals, as indeed section 35 contemplated?

• (1750)

The submission was troubling in that it referred throughout to the "Norway House Cree Nation bill." In fact, Part 2 of the bill could trap as many as 30 other First Nations. It is not mandatory for other groups to negotiate pursuant to this bill. Consequently, I am less worried about it. However, it certainly sets out a structure that we have not studied and about which we have not heard from other groups. We were told simply that it was a housekeeping matter and that it was necessary for the Norway House Cree Nation. We have no idea whether the minister will negotiate using this formula or another with other nations. The department said that, of course, other negotiating techniques could be used, yet I did not hear the Government of Canada undertake that possibility.

In conclusion, honourable senators, yes, we are caught in the same dilemma. Do we continue year in and year out to prejudice aboriginal peoples, or will senators do their jobs well? I have cried wolf so many times about aboriginal and committee processes that I give the undertaking to aboriginals who have come before our committee and the Senate that at least from this side of the house we will not take aboriginal rights as lightly as they have been taken in the seven years that I have been here. This is no way for us to resolve our differences and our relationships with aboriginal people. What has taken place up to now has been ad hocery and, in my opinion, mismanagement of one of the fundamental issues facing Canadians today. This is not how aboriginal people should be treated. This should be our highest priority. It should not be something for which we wait at the pleasure of the government to slip in from time to time.

I commiserate with Senator Chalifoux. She is committed to furthering issues for aboriginal peoples, as am I. Perhaps we disagree on the way to get there, but not on the ultimate goal.

I am not asking that this bill be delayed in any way. I believe that we have aired the differences. I have put my opinion on the record. The aboriginal people who feel they have been prejudiced have recourse to the courts. That is not my best answer. It is not the best way of dealing with aboriginal people. I think I would be creating another problem if I were to delay it any further.

I cannot state that there is a commitment from the Government of Canada to Gathering Strength. There cannot be a commitment to Gathering Strength if no minister in five years cannot find the time to pilot this legislation through the process. I cannot think that any minister who has any commitment and any understanding of fiduciary relationships would take such a cavalier attitude to the fundamental rights of aboriginal peoples. I will continue to state that.

I am very pleased that I have the support of the Progressive Conservative members of caucus. I have heard Senator Taylor, and others, who have said, "We do not care what government is in place. We will do our job, and we will do it appropriately."

Hon. Sharon Carstairs: Honourable senators, I just want to say a very few words on this bill. I must say that I do not disagree with very much, if any, of what Senator Andreychuk has to say. What she has alluded to is that this bill has died on the Order Paper twice before. The one bit of information that I can give her is that perhaps the bill is at the point it is now because some of us said, "Enough is enough. Let us get this bill passed."

Honourable senators, it has been 23 years since the Manitoba Northern Flood Agreement was signed — 23 years. We flooded — and I say "we," Manitobans, through the Manitoba government — flooded 4,800 hectares. We would not have done that, I can assure honourable senators, if that land had been in southern Manitoba. We did it because it was in northern Manitoba. After all, most of the people living in northern Manitoba are aboriginal. Therefore, their needs on the spectrum of things are somehow or other not quite so important. Well, they are important!

This proposed legislation, and I am thankful for everyone who will vote for it tonight, including Senator Andreychuk, finally rights a wrong, a wrong that successive governments of the Province of Manitoba and of Canada have failed to address.

Finally, justice will be achieved for those who were flooded as a result of this agreement. Finally, they will have their day.

The Hon. the Speaker: If no other honourable senator wishes to speak, we will proceed to the motion for third reading.

It was moved by the Honourable Senator Chalifoux, seconded by the Honourable Senator Watt, that the bill be read a third time now.

Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and bill read third time and passed.

BILL TO AMEND THE STATUTE LAW IN RELATION TO VETERANS' BENEFITS

THIRD READING

Hon. Jack Wiebe moved the third reading of Bill C-41, to amend the statute law in relation to veterans' benefits.

Motion agreed to and bill read third time and passed.

CANADA HEALTH CARE, EARLY CHILDHOOD DEVELOPMENT AND OTHER SOCIAL SERVICES FUNDING BILL

SECOND READING

Hon. Catherine S. Callbeck moved the second reading of Bill C-45, respecting the provision of increased funding for health care services, medical equipment, health information and communications technologies, early childhood development and other social services and to amend the Federal-Provincial Fiscal Arrangements Act.

She said: Honourable senators, it is an honour to present for second reading Bill C-45, the Canada Health Care, Early Childhood Development and Other Social Services Funding Act.

This legislation stems directly from the landmark agreements that were reached on September 11 of this year in Ottawa when the 14 first ministers gave their commitment to strengthen and renew health care services. The purpose of Bill C-45 is to implement \$22.6 billion in new federal investments, most of which will be added to the Canada Health and Social Transfer, or CHST.

The first measure in the bill will increase the CHST by an additional \$21.1 billion over five years. This will provide the provinces and territories with stable, predictable and growing funding for health, post-secondary education, early childhood development and other social programs.

The current CHST legislative framework will be extended to provide a five-year funding plan. To ensure further predictability, by the end of 2003-04, the federal government will establish the CHST cash transfer for years 2006-07 and 2007-08. This new funding commitment establishes unprecedented planning stability and certainty for the provinces, to allow them to go forth and to help renew our health care system.

This means that the provinces and territories can now give top priority to accelerating the changes needed to provide high-quality health care and supports for early childhood development, as well as strengthening other social programs.

Honourable senators, of this \$21.1 billion in new CHST funding, \$2.2 billion has been earmarked for a major early childhood development initiative. Throughout the first phase of its study into health care in Canada, the Standing Senate Committee on Social Affairs, Science and Technology heard much testimony on the importance of early childhood development and its effects on the later stages of life. Most of you will be familiar with the Early Years Study conducted by the Honourable Margaret McCain and Dr. Fraser Mustard. In this report it is stated that the early years are critical to a child's development. This study brought together powerful new evidence from neuroscience that the early years of development — that is, up to six years — set the base for competence and coping skills that will affect learning, behaviours and health throughout life. That is why the money provided for early

childhood in Bill C-45 is so important. The \$2.2 billion will ensure greater coordination and availability of existing services and supports for children in their formative years, and it will establish a foundation for healthier children. This new federal-provincial-territorial initiative will help provide Canadian children with a good start in life at a crucial stage of their development.

The third initiative covered in Bill C-45 provides for a \$1-billion federal investment in a Medical Equipment Fund so that the provinces and territories can acquire much-needed diagnostic and medical equipment over the next two years, such as MRIs and CAT scans. Provincial and territorial governments will determine their own medical equipment needs and can begin drawing down these funds as soon as this bill is passed.

Honourable senators, the fourth and final initiative I will talk about today is the \$500 million earmarked in Bill C-45 to strengthen Canada's national health infrastructure, which will improve the quality, access and the timeliness of health care. This money will be provided to an independent corporation that will be mandated to accelerate the development and adoption of modern information and communication technology systems, such as electronic patient records.

Funding for health information technology was raised time and time again during the recent hearings of the Social Affairs Committee. Members of the committee heard of the importance of providing funding, the likes of which we have under this legislation, for such things as electronic patient records, in order to enable health care providers to exchange information effectively and therefore to increase the overall efficiencies in the system.

Honourable senators, sharing information among health professionals and over distances will help to ensure that health professionals have access to the information they require to provide Canadians with the best possible care.

Before concluding, I wish to mention two amendments made to this legislation in the House of Commons. The first amendment added the following wording to clause 2: "taking into account the population of that province." Essentially, the purpose of this amendment is to clarify that the \$1 billion for medical equipment will be awarded to the provinces on a per capita basis.

The second amendment changed clause 3 by adding the words "common data standards to ensure compatibility of health information." This amendment narrows the wording of the bill by changing Canada-wide standards to common data standards. The purpose of this amendment is to ensure that the wording in the bill is the same as that found in the original first ministers meeting communiqué on health.

Honourable senators, the monies provided for in Bill C-45 will provide the provinces and territories with CHST funding that is

growing, stable and predictable so that they can plan for the future. Canadians can now be assured of the unwavering commitment of their governments to renewed health care, support for early childhood development and other social programs. This is a very important piece of legislation, and I urge all senators to pass this bill without delay.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I am interested that Senator Callbeck said there were two amendments made to the bill. As far as I know, we do not have printed copies of those amendments. The only copy of the bill that I have is the one that was given first reading on October 4. I assume these amendments were passed today or yesterday, but I do not believe they have been printed for distribution in this chamber. It is essential we have them before we go into committee.

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I agree. I, as deputy leader, will get copies of the amendments and have them distributed so they will be on senators' desks before we go into Committee of the Whole. I will try to attend to that during the course of the balance of debate.

Hon. Brenda M. Robertson: Honourable senators, I had many notes on this issue, but to save time, I will simply follow an executive summary I had prepared concerning the financing of health care. I will go into no other part of the legislation except that particular point. I shall try to sum up as ably as I can.

Honourable senators, in my humble opinion, there is a fiscal imbalance between the federal government and the provinces even after the federal transfer system is taken into account. The distribution of revenues has favoured the federal government since the Second World War, even though provinces provide highly valued health and social programs. Even without any transfer of spending responsibilities between governments, the existing fiscal imbalance is likely to widen.

Most observers agree that future cost pressures will fall disproportionately on provincial areas of responsibility, while at the same time the federal government is poised to collect a fiscal dividend from the fact that the built-in growth of its revenue sources is expected to outstrip its spending responsibilities.

Discussion of national fiscal priorities has long been confused by the federal government's claim that part of provincial income tax revenues constitutes a federal contribution to social programs. In essence, the federal government is trying to take credit for revenues derived from tax points that shifted to the provinces 23 years ago. This obscures Ottawa's shrinking cash commitment to social programs.

There is a lot support in the general community. In our committee we heard from people like Monique Bégin. We are suggesting that this federal government should abandon its misleading position.

On the issue of tax points, this notional link between the CHST and certain tax points, they were shifted by Ottawa to the provinces in the years leading up to and including the creation of the Established Programs Financing, or EPF, in 1977. Although the federal government has preserved this notional link, the tax points are own-source provincial revenues. They are not an ongoing federal transfer to provinces any more than the provincial tax room shifted under the wartime tax agreements constitutes an ongoing provincial transfer to the federal government. Those tax points were borrowed during that period of the Second World War. They were borrowed from the provinces as a contribution to the war effort, and they were never given back until 1977.

The provinces are continually waging that general disagreement and that argument with the federal government.

• (1810)

These tax points can create a misleading picture of the size of cuts to federal health and social transfers. It is unfortunate because it seems to be such a silly argument that the federal government puts forward from time to time when it is trying to justify the cuts in its transfers.

The right distribution of fiscal resources between the federal government and the provinces means dealing with both the existing imbalance and the need for new financial arrangements to reflect any coming rebalancing of federal-provincial roles. It is important that the provinces, which have the responsibility of delivering these services, are compensated by the federal government in the appropriate manner.

I am sure Senator Callbeck would have the same sort of reflection on the transfers, especially to the smaller provinces. After the last discussions and arguments, I believe we in New Brunswick received enough money to run the system for two weeks, which is not very much.

I foresee in the years ahead a lot more discussion on fiscal arrangements between the federal government and the provinces in the delivery of health care. There is no doubt that costs are escalating as our population grows older. There seems to be no end to the escalation.

I do agree with the federal government in one particular instance. We need to develop a different model of providing medical services. When we walk through our hospitals today, in any province, in any city, we find a lot of patients lying around who could be better treated in their own homes and communities.

The hospital of the future surely must accommodate those who are critically ill or who are having invasive procedures. With today's technology, I would argue that the rest can be cared for sufficiently and more adequately if those services are either given at home, in clinics attached to industry or, often, in the schools. More and more, we have to push the system that way and out from under the roof of the traditional hospital. Hotel-hospitals are very expensive.

A lot is said about the dreadful cost of drugs. I am sure you would agree that many of these drugs replace days and days, perhaps months of very expensive hospital care. Because of modern technology and new-drug development, the provinces are saving a lot of money. If a prescription costs \$100 per day but it keeps the patient from being admitted to the hospital, as many of these new drugs do, that is cheaper than hospital care at \$800 or \$1,200 or \$1,500 per day. That argument is never properly put forward.

I look forward, as you all do, to hearing the minister. I trust we will have a good debate.

Senator Hays: If other honourable senators wish to speak, I do not want to interrupt, but we are awaiting copies of amendments that were referred to by Senator Callbeck. They should be here shortly. Honourable senators, I know of one item on the Notice Paper under the heading of "Other," specifically number 12, the debate on the inquiry of Senator Poulin calling attention of the Senate to the decision of the Ontario government not to adopt a recommendation to declare the proposed restructured City of Ottawa a bilingual region.

I know Senator Kinsella wishes to speak. Could we have leave to deal with that item now while we are awaiting copies of the amendments?

The Hon. the Speaker: Honourable senators, we have a motion before the Senate. We cannot have another motion until we dispose of this one. Would there be agreement to giving the bill second reading and referring it to committee? Then we can delay the committee portion until such time as the copies arrive. Is that a solution that would suit the Senate?

Senator Hays: His Honour has suggested, I guess, that we go into Committee of the Whole now — Senator Callbeck has made a motion to that effect — but that we not begin our proceedings in Committee of the Whole until such time as we have received and distributed to all senators present copies of the amendments that were made. I am told in discussion with the Table that it will probably be about five minutes.

Senator Lynch-Staunton: Can someone confirm that the message received from the House of Commons had in the bill the amendments that Senator Callbeck drew to our attention?

Senator Hays: I have asked the Table if the document we received contained the amendments. I have not seen it, but the information I have is that, yes, it does and that the bill is now being reproduced with the necessary changes from the bill that was distributed here earlier for first reading. We do have it, but we do not have copies of it for distribution yet.

Again, I would suggest, honourable senators, that we follow the Speaker's suggestion, go into Committee of the Whole and await the commencement of discussion under the Committee of the Whole until we have first distributed the amended bill or amendments to the bill.

Hon. Betty Kennedy: Honourable senators, I am very interested in the comments about home care because there are already moves along that direction. It is not unusual, in my own personal experience, to see a stroke patient who was sent home after a week. Then a physiotherapist, a speech therapist and occupational therapist attend that patient at home every week. That treatment could have been done in the hospital but was done at home under much more pleasant circumstances and certainly under less expensive circumstances. That kind of move is underway and is being done.

I am pleased that the act includes funds for the technical side of gathering information which I think will be one of the most important aspects of our health care. If you can have your record readily available so that people do not always have to start from scratch, the benefits are very obvious.

I am delighted with this bill. I am delighted with the funds that are going forward and I am delighted with the direction in which those funds have been allocated.

The Hon. the Speaker: If no other honourable senator wishes to speak, it was moved by the Honourable Senator Callbeck, seconded by Senator Kennedy, that this bill be read the second time.

Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and bill read second time.

CONSIDERED IN COMMITTEE OF THE WHOLE

The Hon. the Speaker: When shall this bill be read the third time?

Hon. Catherine S. Callbeck: Honourable senators, I move that the bill be referred to the Committee of the Whole as soon as we receive copies of the amendments.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, how can we adopt and read the second time a bill which we do not have in front of us. Some may call it picky, but I call it improper procedure.

The Hon. the Speaker: Honourable Senator Lynch-Staunton, I asked if there were any other honourable senators who wished to speak, then I put the motion.

Senator Lynch-Staunton: I assumed, because the bill was not in front of us, that we would wait. Senator Hays told us he was waiting for a copy of the bill before he proceeded.

The Hon. the Speaker: That is before we proceed with any of the work in the committee.

Senator Lynch-Staunton: We just received it to vote second reading. My question is how can we vote on a bill at second

reading or even at first reading if we do not have the bill before us?

• (1820)

Senator Hays: We do have the bill. At least, we have the message on the Table; what we do not have is the bill in proper form distributed. The process of going into Committee of the Whole anticipates that we have given second reading to the bill. I suggested that we go into Committee of the Whole and await the bill before we begin our deliberations.

However, honourable senators, we now have the bill and it is being distributed. Perhaps we can now deal with Senator Callbeck's motion to go into Committee of the Whole.

The Hon. the Speaker: Honourable senators, the bill is now before you. It has been distributed.

Senator Lynch-Staunton: No, it has not.

Hon. Mabel M. DeWare: We do not have it yet.

The Hon. the Speaker: I believe that all honourable senators now have a copy of the bill.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, may I ask a question of the mover of the motion currently before us?

The Hon. the Speaker: The motion that we move to Committee of the Whole is debatable.

Senator Kinsella: Is the bill that is being referred to Committee of the Whole Bill C-45, which has four pages?

Senator Hays: It has three pages.

The Hon. the Speaker: The bill has three pages, plus the notice from the House of Commons.

Hon. Sharon Carstairs: Honourable senators, I have a copy of the bill in front of me. It does not appear, at first glance, that the amendments are in it. If we do not have the complete bill, with amendments, we should not proceed to Committee of the Whole, unless we have a supplemental copy of the amendments. I do not have those at my desk at this time.

The Hon. the Speaker: Honourable senators, I have here the amendments as originally passed. I have them only in French and you can verify them yourselves.

[Translation]

That Bill C-45 be amended:

At clause 2, by substituting the following at line 13, page 2:

"...establishing the trust, taking into account the population of that province."

That Bill C-45 be amended:

At clause 3, by substituting the following at lines 19 to 23 on page 2:

“...Health for the purpose of defining standards governing shared data to ensure the compatibility of health information networks.”

[English]

I have been assured that what has been distributed is the bill with the amendments. Verification of the French text indicates that that is so.

Senator Callbeck: Honourable senators, the bill I have here does not contain the amendments.

The Hon. the Speaker: This is the final bill with the amendments included.

Senator Callbeck: This was just distributed and the amendments are not included.

The Hon. the Speaker: I do not have the English amendments at the moment. Perhaps someone can translate and verify that the English correctly reflects the French that I read.

Honourable senators, I have read the French amendments and have been assured that they are in the text. Someone who is comfortable with both languages assures me that it is also in the English text. Therefore, this is the final bill, as amended.

It was moved by Senator Callbeck, seconded by Senator Kennedy, that the bill be committed to the Committee of the Whole.

Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

The Senate was accordingly adjourned during pleasure and put into a Committee of the Whole on the bill, the Honourable Rose-Marie Losier-Cool in the Chair.

Senator Hays: Honourable senators, I ask that we invite the Honourable Jim Peterson, Secretary of State (International Financial Institutions) to participate in the deliberations of the Committee of the Whole.

Senator Lynch-Staunton: Where is the Minister of Health?

The Chairman: Is it agreed, honourable senators, that we ask the Honourable Jim Peterson to participate in the deliberations of the Committee of the Whole?

Hon. Senators: Agreed.

The Chairman: Honourable senators, is it agreed that rule 83 be waived?

Hon. Senators: Agreed.

Pursuant to rule 21 of the *Rules of the Senate*, the Honourable Jim Peterson, Secretary of State (International Financial Institutions), was escorted to a seat in the Senate Chamber.

The Chairman: Welcome, Mr. Peterson. I believe you have an opening statement, after which we will proceed to questions.

Hon. Jim Peterson, (Secretary of State (International Financial Institutions)): Honourable senators, the Honourable Paul Martin told me that he appeared before you a short time ago to deal with the Canada Pension Plan bill. He said to me, “Jim, I commend to you the experience of appearing in the other place.”

I am very honoured to be with you. This is a historic accord, an accord among 14 first ministers, an accord protecting and enshrining the values of the Canada Health Act and creating a new system of accountability, an accord to ensure that the provinces can go about the task of ensuring that Canadians have a first-rate medical care system.

• (1830)

The Chairman: Before I ask if honourable senators have questions, I must excuse myself for saying Senator Peterson. He is a minister, not a senator — yet.

Senator Kinsella: They are interchangeable!

Mr. Peterson: I consider that a compliment. Thank you.

The Chairman: We will begin with our questions for Mr. Peterson.

Senator Robertson: Thank you for coming here tonight, Mr. Minister. I am not sure who your officials are at the table. You might enlighten us, please, with their names and capacities.

Mr. Dominique LaSalle, Chief, Strategic Planning, Federal-Provincial Relations, Department of Finance: I am pleased to be here tonight.

Mr. Glenn R. Campbell, Senior Policy Analyst, Federal-Provincial Relations, Department of Finance: I am also happy to be here this evening.

Senator Robertson: I always knew that finance controlled health, but it is unfortunate that no one is here from the Department of Health.

I wish to restrict my questions to the health components. I am from the province of New Brunswick. As you know, there has not been much benefit to us and to some of the smaller provinces. Two weeks' relief is not a great amount. However, that is not the issue that I wish to talk about right now.

There is a national and a notional link between the CHST and certain exploits that were shifted by Ottawa to the provinces in the years leading up to and including the creation of the Established Programs Financing in 1977. Although the federal government has preserved this notional link, the tax points — that is, our own revenues — are not an ongoing transfer any more than the provincial tax shifted under the wartime tax agreement constitutes an ongoing provincial transfer to the federal government.

I should like some clarity from you gentlemen concerning why the federal government continues to insist that you must count tax points when you are looking at the accumulated money that is supposed to go to the provinces. I do not understand that. They were borrowed from the provinces at the time of the Second World War as part of the war effort and they were not given back to us until 1977. I think we should forget all about them. It is a silly argument, in my humble opinion.

Mr. Peterson: I thought I understood the concept of tax points very well until I tried to explain it to the ambassador from the United States. After my very lucid five-minutes on the subject, he said, "Jim, forget it. No one will ever understand tax points if you are the one who is trying to explain it."

I have never heard the argument going back to the transfer from the provinces to the federal government.

Senator Robertson: That is the wartime tax rebate.

Mr. Peterson: It has never been part of anything that I have studied. That is an interesting revelation to me. I can assure you that it causes me incredible difficulty in trying to explain what tax points are and that they should count in the equation.

However, if one tries to judge this issue from an historical basis and what we previously had given before we had to go into the cutting mode in 1995 in terms of transfers to the provinces, then, yes, cash is much easier to look at. Under those programs, before we had given up the tax points in lieu of the cash, that was part of the equation. Some people wanted to talk about a 50-50 sharing or a certain percentage of the funding coming in this way, and I suppose that is why it is done.

Senator Robertson: That is part of the explanation we get on a continual basis. However, you cannot go back just to 1977. I think you have to go back to the initial transfer of tax points during the war effort. I hope that the government comes to its senses and says, "Forget about it. We are going to transfer your dollars, because those tax points belong to you in the first place, to help you not only with health but also with roads, education and everything else under provincial jurisdiction."

I would hope you would take that message back to the provincial government. The provinces do have a significant argument in this regard.

Mr. Peterson: It would sure be a lot easier to explain to the Americans.

Senator Robertson: That is one of my major annoyances in this continual argument. It is unfortunate that there were not sufficient funds. Some provinces are elated about the money they will receive from the recent negotiations as defined in this piece of legislation, but those of us who come from smaller provinces are having a difficult time with this.

You have heard the comments of my own Minister of Health and my own Minister of Finance from New Brunswick. You have also heard comments from the Premier of Nova Scotia. You see, the government does not seem to understand that although the smaller provinces receive the same treatment as the larger provinces, provinces with small populations require an increased amount of money to provide a base for the other services. However, they do not have the population to adequately fund that base as do the larger provinces. This difficulty is generic to all health systems. That is an area where the accounting does not work particularly well.

Mr. Peterson: Senator, I can assure you that the issue of the basic infrastructure has been brought to our attention in cabinet by Senator Boudreau on a number of occasions. He has spoken about needs not only in terms of health care but also in terms of education, research capacities, and so on, and achieving a critical mass in that respect. I appreciate very much the point you are making.

Senator Robertson: Just do something about it, then.

Senator Lynch-Staunton: Minister, I, too, am mystified as to why you are being asked to carry this bill and why we do not have someone from the Department of Health here to discuss the health care situation in Canada and its problems and to answer questions on the priorities that this five-year program will address. Perhaps you are equipped to do so. I admire you for that because you have enough on your plate as it is. Why is someone from the Health Department not here?

Mr. Peterson: I was going to say that I was fortunate and drew the short straw, but I am not really sure what the answer is to that question. The bill is in my name because it was deemed to be a finance bill. Perhaps this is why I had carriage of it through the House of Commons, and perhaps that is the reason I am with you today.

Senator Lynch-Staunton: That means we can only talk about dollars and not about health care. I do not want to put you in the position of having to answer when someone else should be here giving the answers.

Mr. Peterson: I can only endeavour to respond to any concerns you have. If you do have some for which I am not capable to respond, I would be happy to take them back and try to get a response to you.

Senator Lynch-Staunton: Can you come back next week and give us further explanation?

Mr. Peterson: Will the Senate be sitting next week?

Senator Lynch-Staunton: It is quite prepared to do so.

I am interested in this payment of \$1 billion that the Minister of Finance may make in the current fiscal year to a trust. Clause 2(1) uses the phrase "in accordance with the terms of the trust indenture." Can you elaborate on what the trust is all about and who elaborates a trust indenture? Does it exist at the moment? If not, what will be in it?

Mr. Campbell: I can give you a slight explanation.

• (1840)

Senator Lynch-Staunton: I do not want a slight explanation. I want a full explanation.

Mr. Peterson: I shall endeavour, senator, to tell you what I understand about it, and then I will ask Mr. Campbell to elaborate.

We have done a great deal of front-end loading to make sure that we have a budget expenditure in the current year, even though the funds may be disbursed at a later moment. We have used this in a number of areas, such as the Canadian Foundation for Innovation. However, I will turn this over to Mr. Campbell, who has better knowledge of it than I, sir.

Senator Maheu: I have a point of order, Madam Chair. Mr. Minister, is it normal for civil servants to respond to members in Committee of the Whole?

Mr. Peterson: Honourable senator, in the other place, they assist, particularly when you have a minister who is not totally competent. We have found them very useful in that place. However, we will certainly respect any practices of this place.

Senator Corbin: On that point of order, I believe the practice in this chamber has been that officials utter, in a low voice, advice to the minister, who is charged with the responsibility of answering questions. That has been, as far as I know — and I have been here 16 years — the tradition of the Senate.

Mr. Peterson: Apart from allowing us to book it this year, when we do have the funds on hand, senator, it allows the provinces the flexibility of drawing on it when they want it. They do not have to take it immediately.

Senator Lynch-Staunton: There is \$1 billion, which may be set aside. It is optional. It is not compulsory.

Mr. Peterson: That money is there. It is not conditional.

Senator Lynch-Staunton: It says, "The Minister of Finance may make a direct payment of \$1 billion." That does not sound compulsory to me. It does not say "will make;" it says "may make."

Mr. Peterson: This is part of a deal that the Prime Minister has made with 13 other first ministers. It is a deal that will be honoured.

Senator Lynch-Staunton: Minister, the deal may be a fine deal, but the deal will be executed or confirmed through legislation that is before us. All I am doing is reading out loud that there is \$1 billion that is to be provided for the funding of various modern medical diagnostic and treatment equipment, and so on, and that that payment "may be made by the Minister of Finance." I am wondering why it is "may" instead of "will."

Mr. Peterson: I am informed that the word "may" is used because we are establishing a trust, and until that trust is established we could not have used any more direct word. However, this is, quite frankly, a legal question that is beyond my competence, senator.

Senator Lynch-Staunton: Can we try something else? Let us look at the trust indenture. Why is a trust indenture required, and who participates in the elaboration of the trust indenture?

Mr. Peterson: This will be worked out by Finance officials with Justice, but with a view to meeting the requirements of the Auditor General, so that the funds are definitely taken from any surplus we might have for the current fiscal year. Certainly, the provinces are beneficiaries of it, and we are the settlor of that trust.

Senator Lynch-Staunton: You are the what of the fund?

Mr. Peterson: We are the settlor of that trust, as the federal government.

Senator Kinsella: Does that mean trustee?

Mr. Peterson: No. The trustee will hold the funds for the beneficiaries, which are the other levels of government.

Senator Lynch-Staunton: Clause 3 reads as follows:

The Minister of Finance may make a direct payment of \$500 million for the fiscal year...for the purpose of defining standards governing shared data to ensure the compatibility of health information networks.

Can you elaborate as to exactly what that means? I find this so vague that, quite frankly, I think I am wasting my time here.

Mr. Peterson: As I understand it, we have yet to set up the corporation that will facilitate this.

Senator Lynch-Staunton: Exactly. This legislation was passed in the House of Commons in haste, is drawn in very vague terms, and you unfortunately are put in the position where you are unable — and this is not a criticism; it is a fact — to answer certain questions regarding the health services that the provinces, the territories and the federal government together should and must provide to Canadians. I am sorry they put you in that position.

I would like to know the priorities of the Canadian government in the next five years. I would like to know which areas of Canada are deemed to be the ones that have the greatest priorities, and in what areas. I would like to know the thoughts of the Government of Canada on the reorganization of hospitals in Montreal into two mega-hospitals in which they have a very direct interest. I do not want to spend all night talking about local problems, but I would have liked to have had a general overview of the Canadian government's thoughts and priorities on the health system in Canada, particularly as it is committing itself, unfortunately for only five years.

I would like to know — and that may be one of my last questions — why we do not have long-term financing, assured financing, for health care in Canada rather than short-term financing. It takes five to ten years to train one doctor — at least five, if not ten, depending on the specialty — but after six years, as this five-year financing does not go into effect until 2001, you will be back to square one, with no guarantee in the third or fourth year that the level of financing, which appears to be increasing year by year, will continue to increase.

If you are unable, minister, to comment on the health aspect, which this bill touches on directly, I will try to limit myself to questions with which you are more comfortable. I think you should fault whoever sent you here for putting you in this position.

Mr. Peterson: If I could just respond to that, honourable senator, this historic accord outlines certain shared priorities of all of us. There is the CHST transfer, which, of course, does not have strings attached to it, but there is \$1 billion for new equipment, \$800 million consecrated to primary care, and \$500 million for the new technologies, bringing them into the issue of patients' records and things like that.

Perhaps the federal government should have endeavoured to be more direct, but we would have run the risk of interfering in an area of provincial jurisdiction as to the precise details. Therefore, we have chosen to leave a lot of those priorities up to the provinces themselves but with an accountability procedure under which their local constituents, the people living in the provinces and regions, will be able to see what the precise priorities of the provincial governments were.

Senator Lynch-Staunton: I will end here, then. Can you explain why the cash contribution of \$2.8 billion, escalating to \$5.5 billion in the fiscal year beginning April 1, 2005, does not start in the current year? Why do we have to wait another 18 months?

Mr. Peterson: This is why we are giving the medical equipment money, the \$1 billion, up front. This will ramp up. A lot of it is to do with the cash flow.

Senator Lynch-Staunton: After yesterday's so-called economic statement, that does not seem to be much of a problem.

Mr. Peterson: Well, thank you very much, I assume.

Senator Lynch-Staunton: Thank the taxpayers. Do not thank me.

Mr. Peterson: At the time this accord was made, we probably did not have all the figures in, and the statement yesterday did set out long-term priorities in other areas in addition to the health accord.

Senator Lynch-Staunton: The health accord was made on September 11, and we are only five weeks later. However, I will pass to whoever else wants to ask a question.

Senator Robertson: May I ask a supplementary question? Minister, you mentioned to Senator Lynch-Staunton a sum of money that will be designated for primary care. Could you just repeat that, please?

• (1850)

Mr. Peterson: Under this accord, \$800 million is going to primary health care.

Senator Robertson: In that \$800 million, will you have funds set aside for model delivery systems? For instance, is there money there for exploratory and developmental processes to develop models?

Mr. Peterson: I do not think such conditions are being attached to it.

Senator Robertson: I do not know how they will develop their programs.

Mr. Peterson: Let me be more complete in this answer. Mr. Rock is still undergoing negotiations with the provinces as to how that \$800 million will be deployed, and it will be flowing through the Department of Health.

Senator Robertson: You do not know if they have part of that set up for models of excellence and delivery of primary care?

Mr. Peterson: As I understand it, there will be some modelling done with an endeavour to look at best practices and to share that among all the participants.

Senator Lynch-Staunton: I have a supplementary to the supplementary. Where in the bill, if anywhere, is the \$800 million?

Mr. Peterson: It is not in the bill. It will be brought in through the Main Estimates.

Senator Lynch-Staunton: Thank you.

Senator Kinsella: Minister, in the first preambular paragraph of the bill before us reference has been made to a meeting of the first ministers held here in Ottawa on September 11 at which time the accord was reached. Did you participate in that meeting?

Mr. Peterson: No, sir.

Senator Kinsella: Can you or the cabinet colleague who sits to your right, Senator Boudreau, tell us your understanding of what is in that accord and how it relates to this bill?

Mr. Peterson: I am not sure of the appropriate answer, senator. Would you allow me a second to consult with officials?

Senator Kinsella: I am just looking for general terms. My understanding, if it would be helpful, is that the first ministers all met and worked out a general framework agreement dealing with health care funds that would be transferred for health care. This bill will become the federal government's legal authority to deliver on that commitment. Is that a rough explanation?

Mr. Peterson: Yes, it is, senator.

Senator Kinsella: I asked the question because, as you know, under the Constitution we represent our provinces. Obviously, we want to be acting in sync with what our provinces have agreed. That agreement was unanimous. All 10 premiers agreed. Did the territorial ministers participate as well?

Mr. Peterson: Yes, they did.

Senator Kinsella: Let me turn, then, to clause 6(f) of the bill. I will phrase the question this way: What is the cash floor of the federal funding for health care? As I read clause 6(f), at the end of 2006, does it fall back to \$15.5 billion? Would you explain to honourable senators what the cash floor is?

Mr. Peterson: At the time that this was made, it was \$15.5 billion. This will be increased by the amount of this cash that goes through to the provinces. We have not legislated that this would be a cash floor for the future. We are just seeking to legislate that this amount of money will be paid out.

Senator Kinsella: What happens in the year 2006?

Mr. Peterson: It is \$21 billion in 2006.

Senator Kinsella: In terms of the government's current policy, with the principles underlying this particular provision, how far away are we from a sixth or additional principle to the Canada Health Act, namely, consistency for guarantee of cash flow for health care?

Mr. Peterson: We have not put that into the accord. That was not part of it. I can take you back historically to 1995 when it looked as if the cash floor of the entire system of transfers to the provinces would disappear. It was heading to zero. That was when we took steps to intervene. It was heading to \$11 billion. We legislated \$11.5 billion, and then I think it went up to \$12.5 billion. Now that we have an ongoing growth in these transfers, the cash portion of them, we are way beyond that floor.

If honourable senators are suggesting that in the future we should look at a cash floor for transfers to the provinces, that could certainly be considered.

Senator Kinsella: Under the provision of the bill that relates to the early childhood development fund, when will the provinces receive the first amounts of money over the next few months?

Mr. Peterson: April 1 of next year.

Senator Kinsella: April of 2001?

Mr. Peterson: Yes.

Senator Kinsella: Do you have an indication as to how many dollars that means for early childhood development in the province of Nova Scotia?

Mr. Peterson: I could get you those figures.

Senator Kinsella: Is there a formula?

Mr. Peterson: There will not be strings imposed upon it because the provinces will have flexibility as to how cash is spent. This is part of the CHST transfer where it has been designated that the \$2.2 billion should go to early childhood development.

Senator Kinsella: Thus, the province will be able to determine what early childhood development activity or program they wish to operate with these funds.

Mr. Peterson: Yes, sir.

Senator Kinsella: I would appreciate it if I could be advised as to what that dollar amount would be by province for all the provinces in Canada and, if there is a formula, what that formula would be.

Mr. Peterson: Yes. I do not have the figures as to how much of the \$2.2 billion would actually go to Nova Scotia. However, the total of the CHST component would be \$636.1 million.

Senator Kinsella: Is it not true that in 2001, \$300 million was to be directed nationally to early childhood development?

Mr. Peterson: I am informed, honourable senator, that it is pursuant to a complicated formula. We do not have those figures with us, but we could get them to you tomorrow.

• (1900)

Senator Kinsella: The provinces, however, will be able to make the decision as to which programs in the area of early childhood development they wish to develop their provincial programs. Could we have across the country, then, a wide array of different early childhood development programs?

Mr. Peterson: We have a flexible framework in that respect. It is meant to respect local priorities, which are different in every part of the country.

Senator Kinsella: The reference to post-secondary education on page 3 of the bill caught my attention. Could you explain to me what is being referred to there? Could you give me an example of how this bill will impact in the area of post-secondary education in a province?

Mr. Peterson: Going back to its historic roots, the CHST covered transfers for health care, post-secondary education and social assistance. We have taken away any strings that were attached to the CHST, apart from certain conditions. How the provinces spend the money within those three areas of priority is certainly a question of local choice for any particular province.

Senator Kinsella: I wish to conclude with the issue of the trust fund referred to in clause 2 of the bill. Not being in the area of finance, could you describe for me how this will work? Will so much money be taken out of the Consolidated Revenue Fund and be placed in trust? Who are the trustees? What is the auditing mechanism? Will a body or a board of trustees be established? Who will have access to the monies that are in trust? Will there only be access to the interest that is earned on the trust fund, or will there only be access to the actual principal as well?

Mr. Peterson: The trustee will be Montreal Trust. The beneficiaries will be the provinces. They will be entitled not only to the capital but to any appreciating interest on that capital.

Senator Kinsella: How was Montreal Trust chosen?

Mr. Peterson: It presented the lowest bid.

Senator Kinsella: When were the tenders put out?

Mr. Peterson: The soliciting of proposals was done by phone in a very short time frame. It was done on that basis because the cost was under \$25,000.

Senator Kinsella: Did that go to Montreal Trust headquarters or did it go to a branch of Montreal Trust?

Mr. Peterson: To withdraw the funds, each province will deal with a branch in their particular province.

Senator Kinsella: Has a contract been signed between the Crown in the right of Canada and Montreal Trust?

Mr. Peterson: It cannot be signed until the legislation is passed because we do not have the authority. The intent is to sign it as soon as the legislation is passed.

Senator Kinsella: Is it with a branch of Montreal Trust; and, if so, which one?

Mr. Peterson: It will be signed with the head office of Montreal Trust, which will utilize branches in the territories and provinces for distribution.

Senator Robertson: I have a supplementary question to Senator Kinsella's intervention regarding early childhood development.

Minister, are the provinces required to put up funds in order to receive federal dollars from this early childhood development fund? If so, what is the formula?

Mr. Peterson: No, senator, there are no conditions placed on our transfers for early childhood development. The only condition we have relates to the reporting requirement which creates the accountability after the fact.

Senator Robertson: Is it correct that the provinces will not have to put up funds to access federal funds?

Mr. Peterson: That is correct. Of course, the hope is that the provinces will not only continue their levels of funding and increase those levels but that they will also use these new federal funds for additional services and incremental services. However, we will only know after the fact — that is, each year when the accountability is done. This is why the accountability provisions of the bill are very important to it.

Senator Kinsella: Could a provincial government take its allotment under the early childhood development fund, put that allotment into its own provincial childhood development trust fund, add to it out of its own consolidated sources or in partnership with foundations working in the area of childhood development, or invite the private sector to make charitable donations to it? If a province was of the view that this is a great idea but they want to guarantee continuing effect, and if they decide that one way of guaranteeing continuing effect is to take the annual allotment, place it in a trust fund, only allow a draw on the interest that is earned on that trust fund and add to it with their own provincial resources or the resources from charitable foundations or private solicitations, would that be possible?

Mr. Peterson: Yes, senator. I think you are referring to the concept of endowments that we are seeing in the area of education which have led to some incredibly well-financed institutions, particularly in the United States. Many charities are attempting to create such endowments so as to live off the interest. It is certainly an interesting concept and it would be permitted.

They would, of course, have to account to their citizens. Would the citizens of a particular province say, "You have \$100 million. Do not just give us the interest now, our needs are too great. Give us the whole \$100 million or a portion of it"? The flexibility is there.

[Translation]

Senator Nolin: Mr. Minister, it is primarily the preamble to the bill that concerns me. With regard to the September 11 first ministers' meeting, do you have a signed written agreement with the provinces?

Mr. Peterson: Yes. Excuse me. I am mistaken. There was a statement. It was not signed, but it was agreed upon by the 14 governments present.

Senator Nolin: So you have a verbal agreement between 13 governments.

Mr. Peterson: Fourteen.

Senator Nolin: You feel obliged in your bill to introduce it to us by referring to 14 statements confirming or relating this agreement. Have I understood properly?

Mr. Peterson: There was one statement about the agreement. There was one about health care services reform and one for early childhood development. There were two.

Senator Nolin: So, in the first whereas clause, why do you not simply say that an agreement was reached by 14 federal, provincial and territorial governments? Why refer to a statement? I am almost tempted to ask you where the statement is. I would like to read it, because it seems to have huge probative force.

• (1910)

Mr. Peterson: Pardon me, but I was not there. I am not aware of all that went on. It was a decision by 14 first ministers, which may perhaps not seem completely usual, but in any event we have a historic agreement.

Senator Nolin: It is precisely because it is a historic agreement that I find it a bit strange that your historic bill refers only to a statement.

Why not say that you have a historic agreement between 14 Canadian governments and that you have finally reached an understanding? You tell us that no document was signed. You have an agreement in good faith. This agreement has been made public through a statement. You tell us that you are presenting your bill and requesting authority to spend X billions of dollars solely on the strength of a statement.

Do you not find it odd that an historic agreement, an historic bill, should be introduced through a statement? We either have a historic agreement or we do not. A statement will not confirm an agreement.

Mr. Peterson: I am a lawyer.

Senator Nolin: So am I.

Mr. Peterson: Had I been present in my capacity as a lawyer, perhaps there would not have been an agreement. I can accept the success of what we have accomplished. The most important thing for me is that we concluded an agreement concerning the future of health care in Canada.

Senator Nolin: I understand that you were not present. Is your understanding of the historic agreement to the effect that the provinces may receive, through a trust, \$1 billion for the funding of medical equipment, or that they will of necessity receive \$1 billion dollars?

Mr. Peterson: My understanding is to the effect that they will receive this amount.

Senator Nolin: Then why word clause 2 the way it has been worded?

Mr. Peterson: I was told that it was because the obligations are not binding until the bill is passed by the Parliament of Canada.

Senator Nolin: Based on your reply, what is the value of the word given on September 11?

Mr. Peterson: In a proven system, I can accept that agreements that have not been approved by lawyers can be concluded and respected. People act in good faith and they are accountable to voters, to Canadians.

Senator Nolin: I agree that the approval of the Government of Canada is subject to Parliament's approval.

Mr. Peterson: Precisely. We cannot spend money without Parliament's approval.

Senator Nolin: I agree. But when the bill becomes law, the word "may" in clause 2 will be part of the act, not the word "shall."

Mr. Peterson: I am told that we must create the trust before we can do anything. According to the Department of Justice, we had to use the word "may" instead of the word "shall," which implies greater certainty.

Senator Nolin: Let us talk about the trust, Mr. Minister. This trust will evidently — if I hear you right — be established by the Government of Canada?

Mr. Peterson: Yes.

Senator Nolin: There will be an agreement only between the Government of Canada and the trustee?

Mr. Peterson: We will give that money to the trust in accordance with the terms of the agreement and the provinces will become the beneficiaries.

Senator Nolin: Have the provinces agreed to let the Government of Canada act alone regarding the setting up of the trust?

Since this is an agreement, the contributor puts \$1 billion in the hands of a trust to be set up and only the beneficiaries will have access to both the capital and the profits from it. Is that right?

Mr. Peterson: That is correct.

Senator Nolin: I just want to be sure that the money will always be available to the provinces.

Mr. Peterson: Precisely. It is not for us or for anyone else. It is for the provinces and territories.

Senator Nolin: I thank you.

[English]

Senator Kennedy: Mr. Minister, I wonder, since there is no reference in the bill to the agreement calling for the provinces who are the recipients of the money to give an accounting of it, can we assume that somewhere along the line within the trust fund that is set up the condition of the monies going out of the trust fund are also somehow written in as a clause or a requirement of receiving those funds?

I realize it is a very sensitive issue, but if you have an agreement, it is comforting to see somewhere, in something, some reference to that agreement, particularly where you are dealing with very large sums of money and very serious responsibilities towards the people of Canada.

Mr. Peterson: Senator, I agree with you. If we had had our way completely with this, there would have been a condition precedent before the money went. Unfortunately, that was not the deal that was negotiated. Perhaps we can criticize that deal in retrospect, but, as you know, it was a very hard-fought negotiation. It was one that threatened to fall through on many occasions.

Yes, I agree with you. Given our wishes, it might have read otherwise, but it does not.

Senator Kennedy: Is there any other way of getting some assurance?

Mr. Peterson: Senator Kennedy, I have great faith in the Canadian people. I have great faith in the political leaders, because I do not think they would betray the faith that they demonstrated and go back on their word in terms of not wishing to be fully accountable to their people.

I think we will see a whole new way of governments dealing with people in terms of public accountability. The information that will go forward in the future to individual Canadians will involve them much more in the actual decisions made at local levels throughout this country. Canadians will become much more aware of how their money is being spent and where the deficiencies in the delivery of health care are taking place. This will be good for governments and good for Canadians.

Senator Kennedy: I hope you are right, Mr. Minister. My unease is that things do not stay put. They do not stay nice and firmly in one place. Governments change. The cast of characters changes, and I am uncomfortable if there is not something somewhere that says, "This is what we agreed to."

Having said that, I applaud the fact that the Prime Minister was able to get a deal, period. I am not quibbling with that at all, but I am not very comfortable with agreements where you cannot say, "This is what it is."

Mr. Peterson: Senator Kennedy, I think that is a fair representation. When the provinces, territories and federal government sit down in three years time to re-evaluate this in order to give it the type of continuity that Senator

Lynch-Staunton was calling for, this would be a good thing for them to look at.

By then we will have had a couple of years to see what the best practices are. I am sure that all provinces at that time will want accountability built in as a condition.

Senator Kennedy: I would hope so.

Mr. Peterson: I do, as well.

Senator Rossiter: Mr. Minister, I return to Senator Kinsella's question about a sort of trust fund or endowment fund for early childhood development. If that fund were set up, would the province be accountable for every dollar in that endowment fund or just responsible for its own equity in the fund?

Mr. Peterson: Senator Rossiter, the so-called money going for early childhood development is part of the CHST, so there is no particular fund. It is a notional fund as opposed to a real fund.

Senator Rossiter: In the use of any funding for post-secondary education, would the same thing apply?

Mr. Peterson: Yes. This is one of the great features as well as one of the frustrations of our great federation; only so many strings can be imposed without the consent of the provinces. That makes for a tremendous diversity and a tremendous richness of culture throughout our entire country. It is also very frustrating in terms of the overlap and lack of uniformity in other areas. Not being a unitary state has great benefits and added challenges.

Senator Rossiter: Can the post-secondary education portion also be used to assist people in the health care field to upgrade?

Mr. Peterson: Yes. That is subject to accountability, of course.

Senator Rossiter: It is subject to the accountability, yes.

Mr. Peterson: We do have pressing needs in terms of health care. I think Canadians will want their provinces and territories to dedicate this money in accordance with that agreement.

Senator Rossiter: Thank you.

Senator Austin: Minister, I extend also my welcome. At what stage of preparation is the trust indenture document?

Mr. Peterson: It is at translation, close to signing.

Senator Austin: Does it still need to be signed off by the 14 entities who are players?

Mr. Peterson: No, just by the Minister of Finance and the trustees, of course.

Senator Austin: However, the trustees, I would assume, as in most trusts, act in accordance with the instructions contained in the indenture and do not have discretion.

Mr. Peterson: That is right, senator.

Senator Austin: Could you explain why it is necessary for the Minister of Finance to establish a trust simply to —

Mr. Peterson: There are two aspects. The driving force in this was fiscal, that we wanted the funds to be charged against the current fiscal year. The second advantage, however, is that it does provide flexibility in terms of draw-down by the provinces.

Senator Austin: Why would they not want to front-end load the transfer as well and just take the money as soon as it is made available?

Mr. Peterson: I suspect that most will.

Senator Austin: Clause 2(2) refers to taking into account the population of a province. Could you give us more guidance as to whether this transfer entitlement is per capita, or is there some other formula?

Mr. Peterson: You are absolutely right; it is equal per capita.

Senator Austin: My next question relates to clause 5(2) at the top of page 3 of the bill, which defines social programs. How elastic is the definition of "social programs"? Might it include programs with respect to people who have problems with alcohol or drugs, or people with compulsive syndromes? Could the provinces choose those objectives for the spending?

Mr. Peterson: Yes, Senator Austin, they would have that flexibility.

Senator Austin: Would early childhood development include daycare programs in the provinces?

Mr. Peterson: Yes, it could.

Senator Austin: You say it could. It could if the provinces so wished.

Mr. Peterson: Yes, Senator Austin. The provinces decide how that money is spent according to their own priorities.

Senator Austin: Is any screening required by the federal government? If the provinces determine, for example, that automobile driver training is an important social program, would that be acceptable?

Mr. Peterson: The only lever we have is through the accountability provisions. This money is being transferred for certain purposes. The provinces will have to account to their people. If their people want this money to go into driver training, they can express that to their elected representatives, which would be quite acceptable.

Senator Austin: Finally, does the federal government have the right to withhold any funds under this legislation?

Mr. Peterson: It has no right whatsoever. It is in the trust; it is gone. That is in terms of the trust. In terms of the ongoing payments to the CHST, no, we are committed to that.

Senator Moore: Minister, I have a couple of questions.

You mentioned in your earlier remarks that a review would take place in three or four years. I do not see it here. What is that review provision and where is it provided?

Mr. Peterson: We have indicated, Senator Moore, that we will sit down with the provinces at the end of three years to negotiate the ongoing funding. As either Senator Kinsella or Lynch-Staunton said, we realize that the provinces need that ongoing, long-term funding. As one senator put it so forcefully, it takes many years to train a doctor, not just five.

It is only fair to the provinces that we be prepared to give them that type of certainty. Canadians deserve it as well.

Senator Moore: I do not question that; I think that is admirable. I was just wondering where it was provided. You say you have given the undertaking. Was this part of the statement?

Mr. Peterson: Yes, that was the public commitment of the Prime Minister. It was reiterated yesterday in the statement brought down by the Minister of Finance.

Senator Moore: After three years, we have a review. It is possible at that time that the \$1 billion in the trust would be drawn down?

Mr. Peterson: Yes.

Senator Moore: We have the ongoing payments as provided for in subclauses (f) and (g) and then you would have the review. It is possible that the payments could be increased in the annual periods provided for in subclause (g)?

Mr. Peterson: Yes.

Senator Moore: I think you said that commencing April 1, 2006, the annual provision of cash is \$21 billion.

• (1930)

Mr. Peterson: In 2005, there is \$21 billion more.

Senator Moore: It commences April 1, 2006, does it not? There is \$5.5 billion for the fiscal year beginning April 1, 2005, so that would take you through to March 31, 2006.

Mr. Peterson: Yes, that is correct, senator.

Senator Moore: So at April 1, 2006, we start with \$21 billion?

Mr. Peterson: That is one assumption.

Senator Moore: Is that to be negotiated in your three-year review?

Mr. Peterson: I would fully expect that that would be renegotiated a couple of years prior to that.

Senator Moore: So the \$21 billion is not set in stone?

Mr. Peterson: That is a firm minimum as far as the federal government is concerned, but we would hope that as fiscal circumstances change, and, one would hope, improve, we will be able to increase that amount.

Senator Moore: My last question deals with the accountability factor raised by Senator Kennedy. There is no condition of accountability for any of these monies, neither the \$1 billion in trust nor the other payments provided for in (f) and (g)?

Mr. Peterson: Certainly the funds in trust will be subject to the strictest legal conditions.

Senator Moore: I meant in terms of how provinces spend those monies.

Mr. Peterson: You are absolutely right. It will be only through the accountability process that the accountability takes place.

Senator Moore: Is this something for which we could be admonished in the future by the Auditor General?

Mr. Peterson: I do not believe so. We have followed this type of practice in setting up the trust, looking over our shoulder to exactly what the Auditor General would accept in terms of accounting practices. I certainly agree with you, Senator Moore and Senator Kenny, that it does make sense at some point, if possible, for renegotiations to take place, to deal with this issue you have raised.

Senator Moore: Is that something that we can expect at the three-year review?

Mr. Peterson: That is a very good point. I will pass on your advice and suggestion to the appropriate ministers.

Senator Lynch-Staunton: Just to be clear on the impact of what we are being asked to do, and I am using the Minister of Finance's document of yesterday, the \$1 billion would be drawn down over a two-year period. It will not all be spent in one fiscal year, as I understand. The document to which I refer says that the \$1-billion fund will be drawn down over 2000-2001 and 2001-2002. There will not be much immediate impact. The \$800 million, which is not in the agreement and not in the bill, only begins in 2001-2002, and is spread out over four years. These are big figures, but when you see the time frame over which they are expended, they do not become that impressive.

Mr. Peterson: We have given the provinces flexibility. We are looking at over two years the \$1 billion. It could be drawn down immediately.

Senator Lynch-Staunton: I am just reading the minister's statement of yesterday where he says it will be done over two years. He does not say anywhere that if you want it all now, you can get it. He says the \$800 million will start in 2001-02 and will be invested over four years. Is that correct?

Mr. Peterson: That is correct.

Senator Lynch-Staunton: Overall, is it fair to say that the amount of new financing will only partially restore the cutbacks

of the last six or seven years and that they will not go very far, if at all, in correcting some of the major flaws in our health system, such as long waiting lines, shut down beds, cramped emergency wards, many medical graduates and medical personnel leaving the country, a shortage of radiologists, a shortage of orthopedic surgeons, and shortages of other specialists?

How will all of this correct the basic flaws of our national health care system, which we all support, to the extent that it will stop being eroded by the second tier system, which is more and more eating away at it? Whether we like it or not, it is there and it is growing.

Mr. Peterson: Maybe it is fruitless in light of previous comments on the issue of tax points to get into questions of whether there has been a restoration of the health care transfers to the provinces or not. For those who like to deal with tax points, when they were included before this accord was achieved on September 11, total transfers to the provinces for health care, including tax points and cash, were 30.8, an all-time historic high. This accord supplements that by \$23.4 billion over five years.

Whether it will be adequate to meet the health care needs that you have articulated, senator, I think every Canadian will be very eager to see if that is the case. If it is not, there will be incredible pressure on those in this Parliament and those in each territorial and provincial government to ensure that these increasing health needs of an aging population where new breakthroughs have added greatly to the costs will be met. I think there will be great pressure to increase the money that we spend on health care in our country because I do not believe there is much that is more important to Canadians. We do not want to see an erosion of the high standards that we want or expect.

Senator Lynch-Staunton: It is not very satisfying to be told that we do not know how this money will correct the basic flaws in the system and to be told that if it does not work we will pump more money into it.

There is more at fault in the system than lack of money. That is what I am trying to get you to say. That is what the health minister I hope would agree with, that money is only part of it. There is a lot of duplication and waste — and I can go on forever and cite examples, but I will not. We should be discussing today a wise business plan.

I thought the government was getting on the right track when it was asking for accountability from the provinces. I know this is a very delicate area, talking about jurisdiction, but when it comes to health, I do not think Canadians care whose jurisdiction is involved. They want proper health care. Accountability is a good thing. I wish to see it imposed so that we know and the provinces know what is going on in their hospitals, who is double-billing, who is taking advantage of the system, who is cheating the system. Accountability would go a long way toward putting an end to all those false medicare cards that should not be out there. Maybe then fewer people will have to go to the United States for cancer treatments and fewer people will have to spend \$800 for a private MRI.

There is more to the subject than this bill. I would have hoped that we could have had discussions along those lines tonight.

Mr. Peterson: I think you put it very well. Of course, there is much more involved than just money. Our Prime Minister, our health minister and many provincial health ministers, including the finance minister from Quebec, have said just that, that there are many other things we can do to improve the way in which we deliver health care with the money we are already spending. I welcome this line of approach.

Of course, I am not the person to deal with the details on it, but I can assure you that my colleagues in the other place will welcome suggestions coming from this body as to how some of these problems you have touched on can be dealt with. I know there is a record of distinguished research on very difficult and important topics coming from this place that could be very useful to all Canadians in the future. Therefore, we welcome your input.

Senator Christensen: Just a point of clarification, Mr. Minister. I want to be sure that I have the figures right. In the year 2000, this fiscal year, we are looking at \$6 billion, is that correct, \$1 billion plus the \$5 billion?

• (1940)

Mr. Peterson: I am sorry, senator. I must consult with my assistants.

Senator Christensen: In the year 2000 it is five plus one, and we get \$6 billion out of that?

Mr. Peterson: In this year it is \$1 billion for the medical equipment fund, plus the health information technology, yes.

Senator Christensen: In the year 2001 we get \$2.8 billion and in the year 2002 it is \$3.6 billion?

Mr. Peterson: Yes.

Senator Christensen: The next year it is \$4.3 billion?

Mr. Peterson: Yes.

Senator Christensen: Then in 2004, we jump up to \$20.4 billion?

Mr. Peterson: Yes.

Senator Christensen: In 2005, we get to 21 billion?

Mr. Peterson: Yes.

Senator Robertson: I have one more question. In the short title, I see "Other Social Services Funding Act." One of the larger problems that we have in our country — that is, after the immense problems with health care — is that many more children are living in poverty today than they were seven years ago. I should like to know if, in the other social services funding section, there is money or references included for funded programming that would give some encouragement to parents with children living in poverty.

Mr. Peterson: This would come under the one head to which the CHST is supposed to be directed — that is, the social assistance side of it probably. Again, it would be up to the provinces as to how much goes into that type of social assistance as opposed to other expenditures.

Senator Robertson: There are no specifically new directions that you have discussed with the provinces in this regard?

Mr. Peterson: There might have been discussions at the ministerial level as to what we might do in terms of this important issue, but not within the context of this particular accord.

Senator Robertson: It is a national disgrace. I suppose we will have to come back to it at another time.

Senator Moore: Under the clause that refers to "social programs," that heading sets out the areas where these monies in (f) and (g) are to be spent, is that correct?

Mr. Peterson: Yes.

Senator Moore: There is some built-in accountability, then. For example, a provincial government could not spend that money on highways?

Mr. Peterson: No, they could not direct it, period.

Senator Moore: The CHST areas?

Mr. Peterson: No.

Senator Moore: So there are some fences here?

Mr. Peterson: Yes. Thank you, senator. That is a good point.

The Chairman: Honourable senators, the Senate is now in Committee of the Whole on Bill C-45, the Canada Health Care, Early Childhood Development and Other Social Services Funding Act. Will you stay until the end, please, Mr. Peterson?

Mr. Peterson: Yes.

The Chairman: Shall the title be postponed?

Senator Carstairs: I think it would be appropriate to let the minister go at this point, Madam Chair.

Mr. Peterson: Would it be appropriate for me to thank honourable senators very much for the incredible diligence and thoroughness which they brought to our discussion this evening? It was obvious by my answers that I found the questions to be very difficult. I will also tell my comrades in the other place that the Senate is still sitting at this late hour. Thank you very much.

The Chairman: Honourable senators, shall the title be postponed?

Hon. Senators: Agreed.

The Chairman: Shall the preamble be postponed?

Hon. Senators: Agreed.

The Chairman: Shall the short title be postponed?

Hon. Senators: Agreed.

The Chairman: Honourable senators, shall clause 2 carry?

Hon. Senators: Agreed.

The Chairman: Shall clause 3 carry?

Hon. Senators: Agreed.

The Chairman: Shall clause 4 carry?

Hon. Senators: Agreed.

The Chairman: Shall clause 5 carry?

Hon. Senators: Agreed.

The Chairman: Shall clause 6 carry?

Hon. Senators: Agreed.

The Chairman: Shall clause 1, the short title, carry?

Hon. Senators: Agreed.

The Chairman: Shall the title carry?

Hon. Senators: Agreed.

The Chairman: Shall I report the bill without amendment?

Hon. Senators: Agreed.

The Hon. the Speaker: Honourable senators, the sitting is resumed.

REPORT OF COMMITTEE OF THE WHOLE

Hon. Rose-Marie Losier-Cool: Honourable senators, the Committee of the Whole, to which was referred Bill C-45, respecting the provision of increased funding for health care, health care services, medical equipment, health information and communications technology, early childhood development and other social services, and to amend the provincial-federal fiscal arrangements act, has examined the said bill and has directed me to report the same to the Senate without amendment.

THIRD READING

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Catherine S. Callbeck: With leave of the Senate, I move the bill be read the third time now.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to and bill read third time and passed.

BUSINESS OF THE SENATE

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, we are now beginning the part of our Order Paper under Inquiries. I have talked to a number of colleagues and they seem to think it would be a good idea if we could suspend the sitting until 8:05 p.m. to allow a 15-minute break since we have been sitting for six hours without one. With agreement, may we suspend for 15 minutes and then return to our work?

The Hon. the Speaker: Is it agreed by all honourable senators that we will suspend for 15 minutes?

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, for those of us who do not have all the internal organs functioning as well as others, could we suspend until approximately 8:15 p.m.?

Senator Hays: I have no objection, but if some honourable senators object then we should hear from them. I believe it is agreed.

The Hon. the Speaker: Is it agreed, honourable senators, that we will suspend until 8:15 p.m.?

Hon. Senators: Agreed.

The sitting of the Senate was suspended.

• (2015)

The Hon. the Speaker: Honourable senators, the sitting is resumed.

PRIVILEGES, STANDING RULES AND ORDERS

TENTH REPORT OF COMMITTEE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Austin, P.C., seconded by the Honourable Senator Kenny, for the adoption of the tenth report of the Standing Committee on Privileges, Standing Rules and Orders (amendment to Rule 94), presented in the Senate on October 16, 2000.—(*Honourable Senator Kinsella*).

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, this is the tenth report of the Standing Committee on Privileges, Standing Rules and Orders, relating to what might be described as the issue of disclosure in the interests of ensuring that there is greater transparency in the activities of our committees. The members of the Rules Committee studied the issue and we received the report on October 16. Some honourable senators have had a chance to participate in the debate. I believe my leader, Senator Lynch-Staunton, has spoken to it. I have read the report and also the debate to date, and I am satisfied that the report is supportable from where I sit. I will be supporting it.

Hon. John Lynch-Staunton (Leader of the Opposition):

Honourable senators, I did not participate in the debate. I had an exchange with Senator Austin, which allows me, I think, to make a comment. I am not too impressed with this report, although I do not object to it. I simply do not think it will get us very far in the direction in which I think we should be going. I will use the Auditor General's report to tell honourable senators where I think we should be going regarding this conflict-of-interest business and disclosure. In chapter 12 of his report, he states:

The legislatures of all provinces and territories have adopted conflict-of-interest legislation or codes of conduct...

He is making the point that every legislature in this country has a conflict-of-interest code, as do national legislatures in the United States, the United Kingdom and Australia. We do not have one. Senator Austin used a baseball term the other day, saying that sometimes we go from base to base to base rather than try to hit the home run. I think we should try to hit the home run. We have all the studies needed for a code of conduct. We need only apply ourselves to it. If this is the first step, so be it, but let us not make it the only step.

Some Hon. Senators: Hear, hear!

The Hon. the Speaker: It was moved by the Honourable Senator Austin, seconded by the Honourable Senator Kenny, that this report be adopted. Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and report adopted.

EIGHTH REPORT OF COMMITTEE—MOTION
IN AMENDMENT—SPEAKER'S RULINGS—VOTE DEFERRED

On the Order:

Resuming debate on the motion of the Honourable Senator Austin, P.C., seconded by the Honourable Senator Banks, for the adoption of the eighth report of the Standing Committee on Privileges, Standing Rules and Orders (amendment to Rule 86), presented in the Senate on June 22, 2000.—(*Honourable Senator Kinsella*).

Hon. Noël A. Kinsella (Deputy Leader of the Opposition):

Honourable senators, I have been holding the adjournment of the debate on our consideration of the eighth report. I regret if it has been holding proceedings up, but it is just that there is only so much one can do. I do wish to make a number of comments about the report.

I do so in light of the fact that there is another initiative, that of our colleague Senator Gauthier, reference to which had been made earlier today by Senator Prud'homme. Senator Gauthier envisages that we should have our own Senate committee on official languages. He has found there to be deficiencies in the parliamentary review of our official languages conducted by the Joint Committee on Official Languages, in which we participate with members of the other place. Having participated, as others have, in the Joint Committee on Official Languages, it certainly

was my experience, and perhaps that of my colleagues, that joint committees do not operate as efficiently or smoothly as our standing Senate committees. I think Senator Gauthier has hit on something there.

Therefore, while the eighth report only speaks to two new committees, in effect the Senate is seized somewhat of a proposition that there be three new committees: one on official languages, and in this report a Senate committee on defence and security and a Senate committee on human rights. Quite frankly, I am very sympathetic to the idea of a standing Senate committee on human rights.

As I reflected on the situation that we are in with three different committees being proposed, I realized that each of us may have a preference for one or another new committee. I wanted to analyze the principles on which one might choose them all or one of them. We can make a distinction between the proposed committees along three different lines.

First, there is a distinction between committees in the sense that a committee can be set up somewhat parallel to the ministries that are established under the Prime Minister's prerogative as he sets up the machinery of government. For example, we have a Department of National Defence, and one might argue that we should have a parallel or reflective committee in this chamber.

The second principle might be with reference to the policy objective of the government or indeed the policy objective as reflected through statutory law. We do have, in fact, the Official Languages Act of Canada and the Commissioner of Official Languages. The idea of having a standing Senate committee on official languages would be, in my analysis, related to that single policy objective or a statute that is part of the statutes of Canada.

That is how I see the proposed standing committee on defence and security and then the proposition of our colleague Senator Gauthier on official languages.

However, when it comes to human rights, there is no department of human rights. We recognize that the Department of Foreign Affairs and International Trade deals sometimes with international human rights issues. The Department of Canadian Heritage actually has a branch called the human rights branch that deals with two things: first, with the promotion of active citizenship in Canada through human rights organizations across the country; and, second, a program of giving assistance to citizens' organizations to promote human rights domestically. There are also a number of other programs, such as the Court Challenges Program, that lend support to persons seeking to promote human rights as measured against the Charter. We also have, as everyone knows, the anti-discrimination statute or the equality rights instrument in the Canadian Human Rights Act, and we have a commission — the Canadian Human Rights Commission — which enforces that act. The Department of Justice also has a human rights unit that does a number of different things. It looks at legislation and gives advice to the ministry in terms of whether a proposed legislative initiative is consistent with the Canadian Bill of Rights, as that certificate is still part of the process as well as congruent with the provisions of the Canadian Charter of Rights and Freedoms.

The point I am trying to make is that where the issue of human rights is concerned, we cannot tie it to one piece of legislation as we can the official languages issue, nor can we tie it to one ministry as in a general sense we can tie defence to the Department of National Defence. In many ways, the human rights committee being proposed has a more overarching reach.

We might have wanted to look at this matter a little differently. We might have looked at the fact that civil and political rights and the issues relating to them are often addressed by our Legal and Constitutional Affairs Committee. The second generation of human rights, such as economic, social and cultural rights, really are not dealt with by that committee. They are programmatic rights by nature, such as the right to health. They are not self-explicatory as is the right to have security of person or the right to due process, which our Legal and Constitutional Affairs Committee, even as late as today, focused on very closely in its examination, of Bill C-16. This whole area of the economic, social and cultural rights, which are programmatic by nature, requires a social audit mechanism to ensure that the right to health means something. Governments must do something. They must be positive and have programs. However, in the civil and political rights area, we are almost saying that governments not interfere and not do anything and that people will enjoy those rights. Then there is the whole international sphere.

I, with a number of other senators, see goodness in it all. Good can be done with each of these proposed committees, but I wonder whether, from a manpower standpoint, we would be able to erect another three committees on top of our present structure of twelve.

• (2030)

I would be more inclined to accept this eighth report if it were speaking only to a committee on human rights, but a committee on human rights that would be more limited in its scope.

MOTION IN AMENDMENT

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Therefore, honourable senators, I move, seconded by Senator Rossiter:

That the eighth report of the Standing Committee on Privileges, Standing Rules and Orders be amended by:

- (1) deleting paragraph (r) relating to a Senate committee on defence and security; and by
- (2) deleting the word "generally" in the last sentence of paragraph (s) and replacing it with:

"but with particular reference to economic, social and cultural rights".

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Jack Austin: Honourable senators, might I inquire of His Honour if this motion is in order? I was under the impression

that reports of committees may be returned to committee for further study but that they cannot be amended.

The Hon. the Speaker: If no other honourable senator wishes to speak to the point of order, I would ask for five minutes to look at the authorities. However, I believe that we have in fact had such a practice. It may be a problem that conflicts with the authorities.

However, if honourable senators will give me five minutes, we will have a look at the authorities.

Shall we suspend this item and proceed to the next item of business?

Hon. John Lynch-Staunton (Leader of the Opposition): I would ask that Your Honour look at the practice of this chamber and not just the authority. That is more important than the authority.

[Translation]

Hon. Eymard G. Corbin: Honourable senators, I do not have the text before me, but I am curious to know how the text reads now as amended? Do you know? Because of these technicalities, of these amendments, I would like to have a legible text before me. Who could look after that for us?

[English]

Senator Kinsella, I have a little difficulty. I do not have the text of the report before me. Following on your amendment proposals, how would that paragraph now read?

The Hon. the Speaker: Honourable senators, there is a request for copies of the report of the committee and of the proposed amendment so that honourable senators can see exactly what it means. We will require a few minutes to make copies and to have everything ready for honourable senators.

Hon. Dan Hays (Deputy Leader of the Government): I draw the attention of honourable senators to Beauchesne's, 6th edition under the heading "Concurrence in the Report" at page 244. It states:

(4) A report from a committee may not be amended in a substantive manner by the House; it must be referred back to the committee....An exception to this general principle applies to the report stage on legislation.

I think this must be the authority that Senator Austin is recalling.

The Hon. the Speaker: Are there any other comments insofar as the point of order is concerned?

[Translation]

Hon. Marcel Prud'homme: Honourable senators, my comment will be very simple and very quick. Before continuing and considering the other points on the Order —

[English]

— I would like to hear the decision of His Honour, because it may change my speeches on the items that stand in my name on the Orders of the Day. If His Honour is ready with his decision now, I will abide by it. I do not want to do anything until I hear His Honour's decision.

Senator Kinsella: Honourable senators, in effect my amendment has two parts. If it is helpful to His Honour, the first part in my judgment would be more substantive. Effectively, I am saying delete the reference to the defence committee. The second part of my amendment is not substantive in that way. If we are to have a human rights committee, then the last sentence would read "send for inquiries, papers and other matters relating to human rights, but with particular reference to economic, social and cultural rights." It is not to have a substantive committee but to have it focus on an area of human rights.

I make that distinction between the first part of my motion in amendment and the second part.

The Hon. the Speaker: If there are no other comments on the point of order, then, in answer to Senator Prud'homme, I am not prepared to rule at this time. I asked for five minutes, but other requests have been made for copies of the report of the committee itself. That will take a little more time. I will need more than five minutes.

I propose that we proceed with the items on the Order Paper.

Senator Prud'homme: Honourable senators, as I said before, and I think I will repeat it in as plain English as I can, before we continue with the Orders of the Day I would like to know what we will do with this item. What we do with this item has implications for me on other items on the Orders of the Day. If His Honour were to rule one way, I will therefore have an opinion concerning the rest. If His Honour is to rule in another way, then I will have a different opinion. Until I know how His Honour will rule, how can we be expected to continue with subjects that are almost the same as this one? I do not understand.

I have amendments concerning other items. I would be willing to withdraw them, if His Honour were to rule in a certain way. Perhaps I will put the amendment if His Honour is to rule the other way. I like to know what is going on.

I do not understand why at this time we are willing to help the government pass every piece of legislation that it has asked for, especially at this late hour in this Parliament. These are rules that will not affect anything, since, if we are to leave, then nothing can be done. Yet in a new Parliament we can revive everything, including the motions of Senators Gauthier and Roche.

Honourable senators will notice that I have no motions on these matters. The very able committee will again be

reconstituted. I do not know who will be chairman of the Rules Committee next time. Most likely it will be Senator Austin. I do not know what the Selection Committee will decide. There will be a new Parliament and a new atmosphere. Perhaps at that time we will have an idea of how to cope with such a matter. This does not need to be referred back to the committee but can be looked at by the Selection Committee, which will naturally appoint various members to various committees, which could look into the desire of Senators Roche, Gauthier, Rompkey, Wilson, and everyone else who has an opinion on these matters.

For me, it is very important to know how His Honour will rule.

• (2040)

Hon. Sharon Carstairs: Honourable senators, to speed things up, the issues that are of concern to Senator Prud'homme fall under Motions. Perhaps we could proceed with the remaining items on the Order Paper until we get to Motions, but not proceed on any of the items until after the Speaker has ruled on this particular report. Does that make it any easier and facilitate things?

Hon. Peter A. Stollery: Honourable senators, I should like to be clear when it is the Speaker may be giving his decision. I will certainly sit down if that event will be soon, but from what was said, it could be tomorrow or next week. I would like to have a better idea when this will take place, because the effect of it not being fairly soon would be to kill the whole business.

Senator Hays: Honourable senators, we are on the point of order. Perhaps we could get all the interventions in and then His Honour could respond.

I appreciate Senator Prud'homme's cooperation today. I hope this will not be taken as being less than grateful for that. However, what bothers me is that if this suggestion becomes a practice of this place, then on any point of order the remaining items on the Order Paper and all proceedings of the chamber must await that ruling on the chance that a following item may be relevant to the pending ruling.

I do not think Senator Prud'homme intends to speak to every remaining item on the Order Paper and Notice Paper. However, whether or not he does, if we establish a precedent in this place that when a point of order is raised nothing in the Senate can be done until that matter is resolved, it would be a dangerous and difficult precedent with which to live.

I would add that to the matters that His Honour might take under consideration.

Senator Prud'homme: We live in different circumstances at present. The honourable senator is absolutely right in that if it were to be establishing a precedent, I would not go along with it. Unless we are unaware of potential imminent events in Canada, this particular time may be our last chance.

It would be easy to wait for His Honour, and when we arrive at a certain motion not speak to it and await further notice from him. However, this is our last chance. This is not a precedent. Such an event arrives only once in a Parliament where we are stuck with having to decide if we wish to address everything or just part of the agenda. It is not the same circumstance as a regular session.

I would be more than willing to suspend. It would be easier for my health to sit down. However, if we suspend, that means "good-bye Charlie Brown," and there will be no more chances.

If the Deputy Leader of the Government could use his extraordinary talents to convince colleagues to return the entire matter to the committee for future consideration in the next Parliament, he would make cooperative gains. He would terminate this session on a high tone and he would prepare the next session to begin on a high tone as well. Otherwise, it will not be the same tone.

Hon. Colin Kenny: Honourable senators, now that we have both the report and the amendment in our hand, perhaps we could revert to the original suggestion that we suspend for five-minutes to give His Honour time to consider this matter and then go from there.

Senator Kinsella: Honourable senators, I regret the way in which this entire process has unfolded. We are placing His Honour in a difficult situation. He has been impartial throughout our session and he has heard the arguments on the point of order that were raised by Senator Austin. His Honour is not ready to rule, and he is taking the matter under advisement.

I am uncomfortable with the pressure coming from the majority to push His Honour into not taking the time to consider this matter and we are being unfair to him. If His Honour comes back too soon, we may feel that he was not impartial, that he has not reflected on the arguments but has been influenced by the pressure in regard to how much time he has been able to take.

We are placing the Speaker in a most untenable position. He has heard the arguments on the point of order. He said he would take the matter under advisement and we ought to stop there and effectively regard the matter as adjourned.

Senator Hays: Pressure depends on the perspective from where one sits. One might argue that the pressure is coming from the opposition or the people who are raising the points of order.

The Speaker's job is a tough one and one that involves high stress and dealing with these kinds of situations. I appreciate the concern for His Honour; however, it is not our intention to pressure, it is our intention to obtain a good result.

The result that some on this side want to achieve is to bring this matter to a vote. In that way the will of this chamber can be tested and there ought not to be an undue delay in terms of dilatory or other motions that prevent that will from being expressed.

The Hon. the Speaker: Honourable senators, does any other honourable senator wish to speak to the point of order?

I assume, Senator Prud'homme, that not all of the matters on the Order Paper are affected by the ruling that I may make. If that assumption is correct, could we deal with those items that are not affected? In the meantime, I shall have a serious look at the matter.

My problem is, I realize what Beauchesne's says, but I believe that we have precedents in this chamber where we have accepted amendments. Therefore, I cannot simply rule lightly without checking those precedents. Those precedents take a bit of time to research and I am not prepared to make a ruling at this time. It is not fair to either the table or myself if we do not have the time to give a proper ruling on the point of order that was raised.

Is it possible to proceed with the Order Paper on those matters not affected by whatever my ruling will be? I shall ask to be relieved and replaced in the Chair. I will be back as quickly as I can.

Hon. Senators: Agreed.

The Hon. the Speaker: Is that a proper way to proceed?

Hon. Senators: Yes.

The Hon. the Speaker: Could we simply ask Senator Prud'homme to indicate the items on the Order Paper; or, as we go through it, he could indicate which ones could be suspended for the time being and I will be back as quickly as possible; is that agreeable?

Senator Prud'homme: Honourable senators, I usually bow to His Honour who is being put in a very uncomfortable situation this evening and I know some are becoming impatient, and I am sorry. However, we are totally changing the atmosphere of this house by pressuring His Honour for an early ruling.

I thought that we were to give the government every piece of legislation necessary that comes from the House of Commons, as far as I am concerned, late in this Parliament. Everything else, including items standing in the names of Senators Gauthier, Roche and myself seek that resolution. I will not bother honourable senators any more with the question of independents.

● (2050)

I will find other ways to let you know what I think about that. I have not raised this issue for quite a while. However, I do not know. It is attitudinal. I do not know what I want to debate tonight. I have a speech, which may not be L'Académie française, but long enough on the issues. The subject is interesting. People in the Liberal Party, who invited to give speeches for many years, know that all one needs to do sometimes is give me a piece of paper with some words on it and ask me to speak on that issue. I used to be the expert in the House of Commons.

Honourable senators, I do not wish to be put into that situation here. I am offering to cooperate and I know some Liberal senators feel the same as I do. Why must they insist at this late hour to create committees that will be disbanded tomorrow? They know that it makes His Honour uncomfortable; it makes me uncomfortable. They make some of their own Liberal colleagues uncomfortable.

The opposition will cite the *Rules of the Senate*. We know the rules. Everyone will leave here on a sour note.

There is a choice. As once was said, "We have the option." What do honourable senators want? I do not know, but I am not ready and willing to say which items I want to speak on. I am a very disciplined man. I see the items that are called and I say what I have to say. If I have nothing to say, I pass. If I want to add a comment or two, I do. Even if I end up collapsing here, I will.

Senator Austin: Honourable senators, if I may, I will draw your attention to rule 18(3), under the title "Order and Decorum, Part III," which reads as follows:

When the Speaker has been asked to decide any question of privilege or point of order —

— and I have so done —

— he or she shall determine when sufficient argument has been adduced to decide the matter, whereupon the Speaker shall so indicate to the Senate, and continue with the item of business which had been interrupted or proceed to the next item of business, as the case may be.

Honourable senators, that is our rule, and I think we should apply that rule.

Senator Prud'homme: If our esteemed colleague wants to play with the rules, I will as well. When His Honour says he will take a matter under advisement, he does not say that he will leave, take advice and be replaced. His Honour usually rises and says, "This is a very technical matter, and if it is agreed, I will take it under advisement." We then continue with our business. However, His Honour stays in the chamber.

In this case, it is His Honour's desire to leave — and rightly so — to consult with his staff in order to render the best decision. That is not the same thing, however, and that is my interpretation of rule 18. We do not interpret the definition the same way.

The Hon. the Speaker: Honourable senators, I think we would be harming ourselves if we got into a needless debate at this time. From the information I have so far been able to obtain, I believe that I can settle the matter in approximately five minutes. Would it be agreeable to simply suspend for five minutes?

Hon. Senators: Agreed.

The Hon. the Speaker: I should be back in that time. I believe I have enough information. I have the Clerk now going through a final check. I will ask the Honourable Speaker *pro tempore* to take the Chair. I will return in five minutes.

Senator Hays: We agree to a five-minute suspension, or ten minutes, until His Honour returns.

The Hon. the Speaker pro tempore: Honourable senators, the sitting is suspended.

The sitting of the Senate was suspended.

• (2100)

The sitting of the Senate was resumed.

SPEAKER'S RULING

The Hon. the Speaker: As honourable senators know, the practices of our house determine what our orders are to be. It is true that we refer to the authorities when our practices are not clear, but essentially our practices supersede the authorities.

I might add that the authorities themselves are not always very clear. There is a reference made to Beauchesne, and it is true that Beauchesne says a report from a committee may not be amended in a substantive manner by the house. On the other hand, if one goes back one page, to paragraph 889(2), it states that "A report may be adopted in total or in part."

Obviously, if honourable senators are to adopt a report in part, then you must amend it to get to that part. Beauchesne, to say the least, takes a vague stance.

I refer back to our own references now. This is why I delayed my ruling. I wanted to be sure to check our own practices. I will read to honourable senators from the May 9, 1995, *Journals of the Senate*:

Resuming the debate on the motion of the Honourable Senator Hastings, seconded by the Honourable Senator Stanbury, for the adoption of the Twenty-second Report of the Standing Committee on Internal Economy, Budgets and Administration (reprint of Volume I of the Report of the Special Joint Committee Reviewing Canada's Foreign Policy), presented in the Senate on March 30, 1995.

After debate,

In amendment, the Honourable Senator Di Nino moved, seconded by the Honourable Senator Lynch-Staunton:

That the report be not now adopted but that it be amended by adding the following words at the end of the second paragraph, after the figure "\$7,500":

...provided that the costs of reprinting the report are shared on a 30-70 per cent basis with the House of Commons.

A point of order was raised as to the acceptability of the motion in amendment.

After debate,

The Hon. the Speaker declared the motion in amendment in order.

That was accepted by the Senate.

Coming to somewhat more recent times, April 15, 1999:

Resuming debate on the motion of the Honourable Senator Kelly, seconded by the Honourable Senator Beaudoin, for the adoption of the Report of the Special Committee of the Senate on Security and Intelligence, deposited with the Clerk of the Senate on January 14, 1999,

And on the motion in amendment of the Honourable Senator Carstairs, seconded by the Honourable Senator Fairbairn, P.C., that the Report be not now adopted but it be amended by deleting recommendation No. 33; and

That recommendation No. 33 be referred to the Standing Committee on Privileges...

More recently still, from the *Journals of the Senate* on April 7, 2000:

Consideration of the Seventh Report of the Standing Committee on Internal Economy, Budgets and Administration...presented in the Senate on April 4, 2000.

The Honourable Senator Poulin moved, seconded by the Honourable Senator Mahovlich, that the Report be adopted.

After debate,

In amendment, the Honourable Senator Hays moved, seconded by the Honourable Senator Fairbairn, P.C., that the Report be amended by deleting the amount of \$2,630 allocated to the Social Affairs Subcommittee to update "Of Life and Death" and substituting therefor the amount \$7,890.

After debate,

The question being put on the motion in amendment, it was adopted.

Honourable senators, we have three clear precedents that we did indeed accept amendments to committee reports. Therefore, I must accept that the amendment is in order.

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I understand the ruling. Some of my colleagues have suggested that perhaps the Speaker's ruling should be challenged. I want them to know that if they intend to do so, they will have to do it immediately. I personally do not have any relish for that.

Hon. John Lynch-Staunton (Leader of the Opposition): You cannot incite them to that. That is completely out of order.

The Hon. the Speaker: Is the Senate ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: It was moved by the Honourable Senator Kinsella, seconded by the Honourable Senator Rossiter, that the eighth report of the Standing Committee on Privileges, Standing Rules and Orders be amended by —

Hon. Senators: Dispense.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion in amendment?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: Will those honourable senators in favour of the motion in amendment please say "yea"?

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those honourable senators opposed to the motion in amendment please say "nay"?

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "nays" have it.

And two honourable senators having risen.

The Hon. the Speaker: Honourable senators, a standing vote has been requested. I would advise the Senate that I have been advised by the leadership of the Conservative Party that Senator Rossiter is properly the whip of the Conservative side at this time.

Hon. Eileen Rossiter: Honourable senators, further to rule 67(2), I request that the vote be deferred until 5:30 on the next sitting day.

Some Hon. Senators: No.

Senator Lynch-Staunton: There is no vote. It is in the rules.

• (2110)

The Hon. the Speaker: The rule states:

67. (1) After a standing vote has been requested, pursuant to rule 65(3), on a motion which is debatable in accordance with rule 62(1), either Whip may request that the standing vote be deferred as provided below.

(2) Except as provided in section (3) or as otherwise provided in these rules, when a vote has been deferred, pursuant to section (1), it shall stand deferred until 5:30 o'clock p.m. on the next day the Senate sits.

Again, I will have to check our precedents.

Hon. Sharon Carstairs: Honourable senator, is it not the custom of this chamber to have the vote, if it is deferred on Friday, one half hour before the adjournment on Friday, which would be equivalent to having it one half hour before the adjournment on a normal day, which means the vote would be at 3:30 p.m. and not at 5:00 or 5:30 p.m.?

The Hon. the Speaker: I am sorry, Senator Carstairs, I do not recall that rule. If you would give me the reference, I would be happy to review it.

Can I request again leave to check the precedents?

POINT OF ORDER

Hon. John Lynch-Staunton (Leader of the Opposition): Has a point of order been raised?

Hon. Jack Austin: I raise a point of order.

Senator Lynch-Staunton: I should like to hear what the point of order is.

Senator Austin: The proper interpretation of the rules is that the request may be made but it is not a right to govern the agenda of the Senate. The question of what the Senate does with its agenda is still in the hands of the Senate.

Senator Kinsella: That is not true.

Hon. Marcel Prud'homme: I beg to differ. "May" means the whip may request deferral. If he does not request that the vote be deferred, the vote takes place; but if he so wishes, he may. That is the way that has always been interpreted in the Senate. I bow again to His Honour to find in his precedents that that has never been the case. I have been here for seven years, but I have watched for many years. I would doubt that a precedent can be found where a whip has requested that the vote be postponed where the vote was not postponed.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): On the point of order, first, I think the plain words indicate that either whip — and I remind honourable senators that it is far more to the advantage of the government whip than to the opposition whip — may make the request. That request is totally at their discretion, and it means that the whip can determine that the vote will be deferred. It is not subject to a vote by the chamber. Discretion is given to either whip, to defer.

I will suggest further that an examination of the Debates of this place since that rule has been in place will always indicate that that is the interpretation that has been acted upon and followed. I am shocked that that canard was raised.

The Hon. the Speaker: Are there any other senators who wish to speak to the point of order?

Hon. William Rompkey: On the point that Senator Prud'homme made earlier, this is not a normal time. This is the

end of a session. Let us assume, at least, that it is the end of a session. The effect of this is to kill the initiative entirely, in which case the minority in the chamber can thwart the will of the committee and perhaps of the majority of the Senate. It seems to me that that is not exactly a democratic principle to follow.

I am not fully conversant with the rules, but it seems to me that if this action is followed it will have the effect of killing the initiative entirely.

Senator Prud'homme: Honourable senators, that is a question of privilege because he referred to me directly. I have too much respect for the Senate —

The Hon. the Speaker: Order. I can only hear one person at a time.

Hon. Peter A. Stollery: Honourable senators, the point Senator Rompkey makes is reinforced by my understanding that this is a unanimous report from the committee. This is not a report that was controversial at the committee stage. This is a unanimous report that the party opposite agreed to in committee. This whole procedure is outrageous in a parliamentary sense.

Senator Prud'homme: Honourable senators, I attended some committee meetings where there was unanimous understanding that the views of Senator Roche would be taken up and they were not. I have no lesson to give and I have no lesson to receive from anyone. I do not give lessons and I will not receive them.

I take strong objection to the comments of Senator Rompkey. He says that because of my argument at the last minute — well, it goes the other way. Is it because it is the last moment that you want to ram through things that are debated? It goes both ways.

Senator Rompkey: We have been debating for four years. How much time do you want?

Senator Prud'homme: No, I have been debating as an independent for seven years. I do not want to debate with you because the tone is becoming very sad. I will not get into this. I will address my remarks to His Honour.

I take objection to what Senator Rompkey has said, thinking that because it is the last moment we are trying to pull a quick one. In reverse, if I were not a gentleman I would say that that is exactly what he is trying to do. It goes both ways.

Hon. A. Raynell Andreychuk: Honourable senators, I want to respond to Senator Rompkey and also to this point of order.

Certainly the discretion lies with the whips. There is a rule that says that we vote in a certain way. Then there is the whips' discretion. One whip has exercised it and it is not something that can be overruled without going back and changing all of the rules, not just some vote tonight on rescinding it. I think also that Senator Cools has talked about how we rescind orders and what the process should be.

I take exception to the allusion that we know it is the last day. I have been told time and again that an election "may" be called. If the government would tell us that an election call is imminent, then perhaps we would understand the urgency. Thus, in a civil way, we say to Senator Hays that if he has some reason to wish to push the agenda, we accommodate; but equally, the rules are there for the full benefit of everyone. Consequently, there is no compelling urgency at all that can be stated. If the urgency were stated on the record, then from my side I would look at it entirely differently. Otherwise, I think the normal agenda and rules should apply.

Senator Rompkey: We can try to fool ourselves if we want.

Hon. Sharon Carstairs: Honourable senators, I simply want to point out that the rules do not make any sense in this particular case. They do not make sense, not for the reasons that have been said here, to this point. The rules say that a vote can be deferred to 5:30 on the next sitting day; but we are not allowed to sit at 5:30 on Fridays. The house must adjourn at 4:00 on Fridays. So this is just one more example, frankly, of the fact that these rules are frequently and totally inconsistent.

Senator Rompkey: Honourable senators, I have just two points in response. We can try to pretend that the sky is not blue, we can try to pretend all sorts of things; but if I were to ask for a show of hands in the chamber as to how many think an election will be called on the weekend there would probably be a majority in favour.

Second, if the whip proceed in this manner in this particular case, then he can do it for all government legislation. If the whip wants to kill all of the government legislation, the opposition whip can do that. Is that a reasonable way to proceed in this chamber in a democracy?

• (2120)

The Hon. the Speaker: Does any other honourable senator wish to speak to the point of order?

Hon. J. Bernard Boudreau (Leader of the Government and Minister of State (Atlantic Canada Opportunities Agency)): Honourable senators, I cannot speak to precedent in this chamber because, obviously, I do not have long experience here. Reading the plain language of the rule gives me pause, though. The rule says that "either Whip may request that the standing vote be deferred..." It does not say "either Whip may defer the standing vote;" it says "either Whip may request..."

The question that occurs to me is the following: May request of whom? A request is something that is made of someone. There is only one possible answer. The whip does not request of the Speaker or of the government; the whip requests of the Senate.

Senator Lynch-Staunton: If we are going use precedent as His Honour did in the last ruling, it is even more clear in this case. Any time a request for a deferred vote has been made on either side, it has always been accorded automatically. Since this rule has been in effect, I cannot think of any one case — and I

stand to be challenged — where a request by either the government whip or the opposition whip for a deferred vote to the following day has been refused.

Senator Austin: That does not make a precedent.

Senator Lynch-Staunton: It makes about 75 precedents, if my memory is correct.

Senator Kinsella: It is clear that either whip can make the deferral. To the issue of Thursday and Friday, I would refer honourable senators to rule 67(3), which states:

67(3) When a standing vote has been deferred...on a Thursday and the next day the Senate sits is a Friday, the Chief Government Whip may, from his or her place in the Senate at any time before the time for the taking of the deferred vote, again defer the vote until 5:30 o'clock p.m. on the next day thereafter the Senate sits.

That has never been subject to a majority vote. Tomorrow, the government whip may decide that he does not want the vote and can defer it either until Monday or until the next day the Senate sits thereafter.

Senator Stollery: Honourable senators, on this issue I wish to remind honourable senators of the fact that deferred votes have a purpose. We all know what that purpose is, namely, when whips need a bit of time to get their members here for a controversial issue — essentially for a bill.

I want to remind honourable senators that what is at issue here, however, is not a bill. What is at issue here is a unanimously approved report from a committee that has been studying the subject for about four years. We have arrived at this point, and, as far as I am concerned, I will come here tomorrow at whatever time we agree upon. It does not matter to me.

However, anyone viewing this procedure from the outside would be taken aback, first, at the inconvenience and, second, at the fact that the process we are engaged in could actually kill a measure that has been unanimously agreed upon by the members of the committee.

I have been here since 1981. I am certain that His Honour could find that we have many precedents here. I understand that. However, I think I would be hard put to find a case where a unanimously approved report from the committee had to go through this kind of travail to be approved by the Senate.

I understand the opposition whip; I understand the position of whips. I have been around here for a long time. I do not know what we will be doing tomorrow. We talk about the public and expense. We could adjourn tonight. It costs money to keep this chamber going. To run the Senate until 4 p.m. or 5:30 p.m., or whatever the time ends up being, because of something uncontroversial and something that has been studied for years makes no sense whatsoever. I hope not too many people are watching.

Senator Prud'homme: Far from that, I hope many people are watching. If they are not watching, I hope many people will read what Senator Stollery has just said.

There were other reports that were unanimous and the government did not see fit to push them too much. The honourable senator's NATO report was a unanimous report. What have you done to pass it through the house? It is a very good report. You have not pushed it. I can name you many others.

I would ask the Honourable Senator Carstairs, and others who believe that, to read rule 14 of the *Rules of the Senate of Canada*. After having read it, honourable senators will have the answer. I do not need to read the rule for you.

Senator Austin: Honourable senators, I want to reinforce the argument made by the Leader of the Government in the Senate. In the plain reading of the rule, rule 67(1) uses the words "either Whip may request that the standing vote be deferred as provided below." The rule is now vacant as to what takes place as a result of the request. When you look at subclause 3, the Chief Government Whip may defer the vote. That is mandatory. There is no question that it is a right of the government whip under subclause 3.

As I heard the Leader of the Government say, the request, in its plain meaning, is a request to the Senate. If the Senate is not prepared to grant that request, then a vote is called under the *Rules of the Senate of Canada*.

Senator Prud'homme: Honourable senators, twice, already, I have wished good luck to the house leader for his pending election. If such is the case, I will also have to wish good luck to the one who will replace him because we are now seeding the poison for your next leader in the next session. I take for granted that the minister will be re-elected, but what is happening at the end of this session is pure poison. It will create a bad atmosphere, similar to the one that existed many years ago but which was beautifully changed, gradually by Senator Roméo LeBlanc and continued by Senator Molgat. At the end of the day, you are sowing the seeds of something that will not be accepted, I can assure you of that.

Senator Hays: Honourable senators, I rise, as did Senator Prud'homme when Senator Rompkey mentioned his name. He took offence to that, and I do as well. I do not know what the future holds. I am eager for us to proceed in this place with decorum, dignity and civility to one another.

Senator Prud'homme: I said "neighbour."

Senator Hays: I heard reference to me, next to the neighbour.

Senator Prud'homme: I interrupt —

An Hon. Senator: Order!

Senator Hays: I take the same position as the Honourable Senator Prud'homme when Senator Rompkey mentioned his name. I do not appreciate that.

Senator Prud'homme: Honourable senators, I did not have the honourable senator in mind; it was Senator Boudreau.

The Hon. the Speaker: Honourable senators, I believe that tempers are rising. No one will benefit.

To those who feel that I accept too many interventions, it is the Speaker's job, when a point of order is raised, to hear from all senators who wish to speak. It is also up to the Speaker to decide when the Speaker has heard enough. I have now heard enough.

Hon. Senators: Hear, hear!

The Hon. the Speaker: I am prepared to rule.

SPEAKER'S RULING

The Hon. the Speaker: The word "request" implies that something is being asked for; however, that something may not necessarily be received. Before I proceed along that line, I wish to say to honourable senators that the role of the Speaker is not to take into consideration whether there is a unanimous report, whether there are extraneous outside considerations, or whether there might be an election called on Sunday, or anything of that nature. The Speaker's role is to interpret the rules, not to take extraneous matters into consideration. It is incumbent upon the Speaker to ask: What do the rules say, and what do the precedents say?

Let us come back to the request. Honourable senators will find that the word "request" appears in other places in our rules. For example, rule 65(3) reads as follows:

65 (3) Upon the request of two Senators before the Senate takes up other business, the Speaker shall call for a standing vote...

• (2130)

That is a request by two senators. It is never challenged. I do not believe it could be challenged. If two senators rise, we call a standing vote. It is automatic.

We have searched the precedents. There is not a single instance where the request of a whip on either side has not been accepted. It has been accepted. The precedent in this place, frankly, is that this is the procedure. I am sorry, but I can only rule that a request is mandatory.

The question is on the deferred vote. It will be held at 5:30 p.m. on the next sitting day.

CHANGING MANDATE OF THE NORTH ATLANTIC TREATY ORGANIZATION

REPORT OF FOREIGN AFFAIRS COMMITTEE
ON STUDY ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Stollery, seconded by the Honourable Senator Bolduc, for the adoption of the seventh report of the Standing Senate Committee on Foreign Affairs entitled: "The New NATO and the Evolution of Peacekeeping: Implications for Canada", tabled in the Senate on April 5, 2000.—(*Honourable Senator Andreychuk*).

Hon. Marcel Prud'homme: Honourable senators, I should like to say a few words on this unanimous report of the Foreign Affairs Committee chaired by Senator Stollery. I repeat that it was a unanimous report about NATO and the future of NATO. I wish to put forward a few views on this report.

One view that you will find rather strange is that it was not NATO that changed the situation in Yugoslavia; it was the pure will of the people. It was not the bombs that changed the atmosphere; it was the will of the people who decided. They did not side with NATO; they were independent of NATO. They were nationalistic. They took their interests first and decided by their own will to change their government. It was not bombs that made them change their minds.

The second point I wish to raise is that I am one of those who is extremely concerned about this expansion of NATO to the point where we may be drawn into wars that we did not even expect to take place. Those of us who follow these things know that the debate on the other matter is finished. We know that anyone who attacks me attacks my colleagues from NATO. This is the beauty of this organization called NATO. An attack against one is an attack against everyone.

However, in all due respect to my colleagues, I think that we should reflect more and more when we see the immense desire of so many countries who want to expand NATO, because at the end of the day we may be drawn into a fight in which, in the beginning, we are not interested. We are ready to help them, but we should not be saying, "You are now my colleague, so anyone who touches you, touches me."

I read what our chairman, Senator Stollery, and the other members of the committee had to say. The issue was raised, and it is still a concern. We do not know the effect of NATO expansion on the rest of the NATO membership.

Honourable senators, we are about to accept or reject this report. I repeat that it is a unanimous report. I do not know how you want to dispose of it, but this issue should be taken into account; not only should it be taken into account, but it should open doors of reflection for us. What is the real truth? I know that the

chairman will look into his report. What is the real, modern way of NATO?

Senator Rompkey is very active internationally in parliamentary associations. I know now there is an IPU meeting. I received my news from Indonesia where we have our colleagues, Senators Fraser, Oliver and Finestone. Some do not even want to debate the situation in the Middle East. Parliamentarians have a certain responsibility. They are in the minority, an immense minority, but they do not want to touch that issue. For many people, NATO is a Marshall Plan. They think the only way to get some economic benefit is to be part of a military establishment. This is a crazy world.

These were the views that I wanted to expand upon tonight. I will not abuse the time of the house, but I wanted to be on record as saying that we should reflect more. We have very able, non-partisan members on that committee in Senator Andreychuk, Senator Bolduc and Senator Rompkey. Some members are present all the time and some never show up. That is an issue with which each whip must deal. I admit that I attended many of these meetings, even though I am not a member. Attending these meetings opened many other avenues of reflection for me, and I have expressed some of them here tonight.

Hon. Peter A. Stollery: Honourable senators, I am sorry that Senator Prud'homme caught me on the other side of the chamber. I should like to move the adoption of the report of the Standing Senate Committee on Foreign Affairs.

I also wish to reply briefly to Senator Prud'homme.

The Hon. the Speaker: Honourable senators, I must advise the Honourable Senator Stollery that if he speaks now, his speech will have the effect of closing debate on the motion. Does any other honourable senator wish to speak?

Hon. A. Raynell Andreychuk: Honourable senators, we had not discussed moving the adoption of the report, and that had not been our practice. When Senator Prud'homme asked whether he could speak while the matter was standing in my name, I agreed, but I thought the order would remain standing in my name. I fully intend to explore some of these issues.

I am open to two things. One is that we could move the adoption of the report.

The Hon. the Speaker: Senator Andreychuk, the adoption of the report has been moved. Honourable Senator Stollery, seconded by Honourable Senator Bolduc, moved the adoption of the seventh report. We are debating now whether to adopt the report.

Senator Andreychuk: I apologize, honourable senators. If I wish to speak to the issues contained in the report, I can always start another reference. That may be the most appropriate way to proceed.

Senator Stollery: Then I should like to speak, with the agreement of Senator Andreychuk.

The Hon. the Speaker: Honourable senators, I must remind you again that if Senator Stollery speaks now, his speech will have the effect of closing the debate. If any other honourable senator wishes to speak, they should do so now.

Senator Stollery: As I said, honourable senators, I will take the lateness of the hour and people's patience into great consideration and answer the question that has been raised.

Our report addresses a great many of the concerns that Senator Prud'homme mentioned, including the question of NATO expansion. I do not think I want to take the time of honourable senators at this hour to go through again what has been a very well received report. However, I can inform honourable senators that we received a request a few weeks ago for another thousand copies of our report. We are very happy about that. It has been very well received in the academic community and the community that is interested in this subject.

• (2140)

With that, honourable senators, I will end my remarks.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and report adopted.

CONSTITUTIONAL ROLE OF SENATE

MOTION TO INFORM HOUSE OF COMMONS OF INTENTIONS TO PROTECT STATUS—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Taylor, seconded by the Honourable Senator Watt:

That the Senate of Canada views with grave concern the increasingly frequent practice of the House of Commons to debate and pass legislation which ignores the constitutional role of the Senate, the rights of our aboriginal peoples and official minority language groups;

That the Senate will continue to maintain its legitimate constitutional status by amending any bill that fails to recognize the constitutional roles enjoyed by both Houses of Parliament; and

That a Message be sent to the House of Commons to acquaint that House accordingly.

Hon. Marcel Prud'homme: Honourable senators, I cannot but smile when I read this motion. I was very active, as many senators on both sides were, during the debate on the clarity bill.

I should like to read from the motion, which states in part:

That the Senate of Canada views with grave concern the increasingly frequent practice of the House of Commons to debate and pass legislation —

[Translation]

The Hon. the Speaker: Senator Prud'homme, allow me to interrupt you. Honourable senators, it seems that, yesterday, the debate was simply suspended, because, during the same period, Senator Joyal was putting questions to Senator Taylor.

As Senator Taylor is absent, would you agree to allowing the debate to continue despite what was suspended? Is that agreed? Therefore, the debate continues on this motion.

[English]

Senator Prud'homme: Honourable senators, I will just continue.

I see that the great champion of some of the amendments is here. I refer to Senator Joyal who very competently put forward the strong views that I share.

We are being asked to send a message to the House of Commons. With all due respect, I would not like to be laughed at for sending them that kind of message. Immediately many of them will say, "Ladies and gentlemen of the Senate, you had the option. You rejected the amendments that deny the role of the Senate in the clarity bill." Yet, here we are, not crying but saying:

— with grave concern the increasingly frequent practice of the House of Commons to debate and pass legislation which ignores the constitutional role of the Senate, the rights of our aboriginal peoples —

In that regard we had an amendment by Senator Watt.

— and official minority language groups;

In that regard we had an amendment by Senator Gauthier. We had these amendments. We had the option to teach the House of Commons and send them a strong message by passing these amendments.

I am a democratic person. The Senate, in its majority, decided not to accept the amendments. I bow to the majority. Personally, I hope that if the debate is to continue — and who knows we may be sitting next week — we will be very careful not to send that kind of message to the House of Commons. If that were done, then I would have to put on my hat as a member of the House of Commons for 30 years. I would much prefer that we never send that message to the House of Commons. We had the option. We rejected the option. Let it stay there.

On motion of Senator Hays, debate adjourned.

PARLIAMENTARY REFORM

INQUIRY

On the Order:

Resuming debate on the inquiry of the Honourable Senator St. Germain, P.C., calling the attention of the Senate to concerns expressed, by Canadians in the western and territorial region that I represent, with regard to the need for fundamental and far reaching reform of Canada's Parliamentary Institutions: the Senate of Canada and the House of Commons, namely that:

a diverse, federal country needs an effective, useful and viable Upper House to represent provincial and regional interests and as such, reform of the Senate needs to:

(a) focus attention on defining the purpose of the Senate, consequently giving the Senate the legitimacy which it deserves to be an active participant in the legislative process;

(b) define the role which a revised Senate might take at a national level and the powers which would be appropriate for it to exercise in harmony with the House of Commons;

(c) give standing committees a more effective position of governing in the Senate, more particularly, in relation to the task of reviewing the nomination of federally appointed judges;

(d) determine the length of term of office;

(e) determine an alternate means by which to select members of the Senate;

(f) determine the nature of its regional representation, particularly a desire to see each province finally receive the numerical representation it deserves in the Senate of Canada; and that

there needs to be reform of the House of Commons to:

(a) make it more democratic and accountable;

(b) give all Members the freedom to be part of the policy making process. MPs need the ability to voice and promote the concerns of their constituents — to truly represent their people;

(c) determine recommendations addressing democratic accountability which could be through such measures as (1) having free votes; (2) giving standing

committees legitimate authority to exercise thorough examination of government policies; legislative proposals; fiscal measures and, providing parliamentarians with a forum and mechanism to introduce legitimate concerns and ideas of Canadians.—(*Honourable Senator Prud'homme, P.C.*).

Hon. Marcel Prud'homme: Honourable senators, it is too bad that at the end of the inquiry there are two points about trying to cooperate with the Senate. Yet in the last paragraph it states:

a diverse, federal country needs an effective, useful and viable Upper House to represent provincial and regional interests and as such, reform of the Senate needs:

It continues with the two points. The rest is not there. Personally, I like very much what is written. It is when we read what is not there that I cannot believe my friend, colleague and neighbour, Senator St. Germain, with whom I share many discussions and with whom, perhaps, I may share the future, when he states that each province should have the same number of senators.

If senators will watch they will see this is a bit of a rehearsal for what I am doing with students across Canada. I will try to convince you by not using the word Quebec in my example. I know when one says Quebec, half of Western Canada gets dizzy and the other half gets nervous. Therefore, I will use other examples to illustrate the meaning of an equal Senate by province.

If someone can convince me that Ontario would accept having the same number of senators as Prince Edward Island, then I would say that you have made a lot of mileage in the realm of convincing people. If doubt that I can be convinced that British Columbia and Alberta would accept having one house. I doubt that they would accept such a proposal. This is the answer for those who believe in equality of provinces, for those who believe that effectiveness is philosophical.

I think that tonight we can show that we are an effective Senate, debating vigorously, that it is philosophical. However, what of equal and elected? I cannot believe that the House of Commons will accept having an elected Senate that is equal to it. Take Ontario for example. Ontario has over 100 members elected to the House of Commons. It would have but 10 senators elected to the Senate. We know that senators will say, "Boys, take a hike. I am one of 10. You are one of 100." That is always my answer to the people who say that we cost too much.

An elected Senate will cost around \$250 million. Those who say that we should be elected should also tell the truth to the Canadian people — an elected Senate will have a cost attached to it. I have no objection. The taxpayers are my bosses, but they should be told of the price of an elected Senate. There is no doubt about that.

I can see Senators Boudreau, Hays, Graham, Kinsella and others being elected to the Senate. They will take up more place than members of the House of Commons, of course. Those who always talk about how the Senate should be reformed should also know that everyone wants reform. First and foremost, I want reform, as do those who are maybe paying attention and hoping I will resume my seat soon. However, it is how it is done.

[Translation]

You know, there is a prayer that goes as follows:

Everyone wants to go to heaven, but nobody wants to die.

Everyone wants Senate reform, but when it comes time to talk about it, nobody can reach agreement.

[English]

• (2150)

I speak as a Canadian federalist. I cannot believe in a federal system run by one house only. I want two houses. The question is how to effectively have a second house.

I am glad that our colleague, my esteemed friend Senator St. Germain, saw fit at this very late hour in this Parliament to put this debate before us. We could talk for hours on this subject. I will not do so, but this is an issue on which I have been speaking across Canada since 1965.

I was a member of the committee on the Constitution with our very respected Speaker. Senator Molgat was the chairman of the committee on the Constitution which travelled all across Canada.

Senator Hays misunderstood me earlier when I referred to the Leader of the Government in the Senate, Senator Boudreau. Senator Hays is not running for election. The day is long and I believe that Senator Hays seized the occasion to take advantage of a little mistake I made.

This will be the fourth time that I wish the Leader of the Government in this place good luck. He may ask me to stop doing so because it may bring bad luck if people hear me wishing him so much luck.

I hope that in the future senators will take their responsibility to heart. It is sometimes said that the work of senators is judged by the size of their office. That is a cheap shot and I had no one in mind, but that is what I have heard. It is not the size or luxury of the office that makes an effective senator, I assure you.

As the whip knows, every time I ask for new furniture I ask who used it before me. I never get new furniture. It is always the new senators who get new furniture. I do not mind. I do not come here for the furniture. I come here because I believe in Canada, and the House of Commons of Canada is in much greater need of reform than the Senate.

It is a shame to see how the committees work in the House of Commons. I was there for 30 years. There is no rule and no authority. As soon as a member exhibits a certain personality, he or she is removed from committees. Yet, they want to give lessons to senators.

I wish that we would start televising Senate debates so people can compare the quality of the two Houses. This could be part of the reform of the Senate. There is no guarantee from heaven that Canada will exist forever. We must work for it every day.

The First Nations have made new affirmations, and rightly so. People point fingers at French Canadians, but it may not be them who will jeopardize Canada if we do not take better care of the first people of this country. That is why the Senate is important.

Many people would not be elected to the Senate if election was the requirement for sitting here, yet they could make a great contribution. Perhaps the system of appointment should be changed. Perhaps senators should be appointed for a period of 15 years.

I was there when Mr. Pearson tried to reform the Senate. He could only reform it to the point of instituting mandatory retirement at the age of 75. Even with that, he had to promise senators that they would get a pension if they withdrew. It was only fair to give lifetime senators a pension if they withdrew.

Many things could be said about the role of the Senate. Senators are tired of hearing me talk about Canada, but why? We senators could help in the rebuilding of Canada if we were to rededicate ourselves to Canada. We are not here to be businessmen or other things; we are here to reflect upon what Canada is all about. I know that they say that Marcel is a good dog, that he will bark but he will not bite. I have to endure that. I smile because I know from whom it comes.

We try to help our country every day. It is a new dedication every day. During the coming election campaign we will hear people in British Columbia speak against the Nisga'a treaty and all the other treaties that should be signed. People will be inflamed. That is the kind of country we have.

If we can succeed with Canada having two houses, we can then go to the United Nations and invite the nations of the world to come and watch us.

It is not easy for me to speak in English. When I came here, I did not speak a word of English. I make mistakes every day, but I learn. When the good senator from Prince Edward Island was sitting close to me, she corrected my English at my request. I could be much more articulate in French. In the next few months, I will try to convince the government to invite Mr. Castro, but that is another subject. I will do it in Quebec because I am more at ease in French.

I said that I would participate in almost every item on the Order Paper today. I think I have said enough. I thank Senator St. Germain for his inquiry. I want the new senators to know that, as opinionated as I may be, I am not as bad as I may have appeared tonight.

The Hon. the Speaker *pro tempore*: If no other senator wishes to speak, this inquiry will be considered debated.

ONTARIO

REGIONAL RESTRUCTURING LEGISLATION— REFUSAL TO DECLARE OTTAWA OFFICIALLY BILINGUAL— INQUIRY—MOTION REAFFIRMING SENATE POSITION ADOPTED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Poulin calling the attention of the Senate to the decision of the Ontario Government not to adopt a recommendation to declare the proposed restructured City of Ottawa a bilingual region.—(*Honourable Senator Kinsella*).

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I am very conscious of the hour of the evening but I feel compelled to speak on this matter on the day that we paid tribute to our departing colleague Senator Louis J. Robichaud, who continues to be a leader in the promotion of official bilingualism, not only in our province of New Brunswick but in Canada. This inquiry of Senator Poulin deals with the decision of the Ontario government not to ensure that the national capital of Canada, Ottawa, be determined officially bilingual. I want this matter to be brought to some conclusion in this Parliament.

[*Translation*]

Honourable senators, on December 13 of last year, Senator Poulin drew the attention of this chamber to the fact that the merger of the municipalities of the Ottawa-Carleton region proposed by the Harris government did not include provision for the megacity of 750,000 to be bilingual.

After careful study of the issue, I concluded that the Harris government was wrong not to proclaim that the new City of Ottawa would have French and English as its official languages.

[*English*]

• (2200)

Coming as I do from a bilingual province, the province of New Brunswick, I am totally unable to comprehend the position of the Harris government, and I find it to be an unwise and ill-advised policy to not have Ottawa recognized as a bilingual city.

[Senator Prud'homme]

[*Translation*]

However, on December 20, the Ontario Legislature passed Bill 25, amidst controversy.

[*English*]

As I mentioned, it was that bill that brings about the fusion of the municipalities.

[*Translation*]

This was one of the few recommendations of the Shortliffe report not included in the bill. Throughout the debate on this bill, Premier Harris used the excuse that, in keeping with provincial tradition, this was intended for the elected representatives of the new municipality.

[*English*]

Honourable senators, one should be able to expect from a provincial leader that, in a country such as ours and in a municipality such as Ottawa, it is insufficient to pass the buck. Rather, we should have had leadership from the premier of this province that would add to the objective that all members of this chamber share. We adopted by unanimous resolution of this house a motion that was brought forward by our colleague, Senator Gauthier.

Under these circumstances, with amalgamation moving forward rapidly, with leave of the Senate and notwithstanding rule 63(1), I move:

That the Senate reconfirm its support for Senator Gauthier's motion:

That in the opinion of the Senate of Canada, Ottawa, Canada's capital city, should be officially bilingual.

The Senate unanimously adopted that motion on December 16, 1999. In my motion, I am supported and seconded by Senator Rossiter.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

ASIA-PACIFIC PARLIAMENTARY FORUM

EIGHTH ANNUAL MEETING—INQUIRY

On the Order:

Resuming debate on the inquiry of the Honourable Senator Carstairs calling the attention of the Senate to the Eighth Annual Meeting of the Asia-Pacific Parliamentary Forum, held in Canberra, Australia, from January 9 to 14, 2000.—(*Honourable Senator Prud'homme, P.C.*).

Hon. Marcel Prud'homme: Honourable senators, for new senators there is a price to pay to be independent. For a person like me who loves international affairs, there is an even bigger price to pay. I had the honour to chair the Standing Committee on External Affairs and National Defence in the House of Commons for over 12 years. I had the honour to be sent by Mr. Trudeau to the United Nations and to many other places, even though many people disagreed with my views.

When I arrived at the Asia-Pacific Parliamentary Forum, I had the honour of having the confidence of Speaker Fraser, from Vancouver. There was something going on in Asia-Pacific and he asked if I would go with another member, Mr. Wenman, from Vancouver, to Singapore to see what was transpiring. I went to Singapore. I made a report to the House of Commons.

Then there was a final meeting, at which a charter was written in Australia. Again, the Speaker asked if I would go. I went. I recommended very strongly that we join the Asia-Pacific Parliamentary Forum. Things went on fine.

The first meeting was in Japan. That year, I was still in the Liberal caucus in the House of Commons. I had the honour to go to Japan, where I met an old man. I do not think I will live as long as him. I think he was a member of that delegation for over 50 years.

I came to the Senate in 1993 as an independent. Following that, for the next four times, I was not included in any delegation. I was eliminated from Asia-Pacific. There came a time when I wanted to go to a meeting in Vancouver, to pay homage to a man for his patience. I asked Senator Hays whether he would mind if I went to help out. I was shocked to see that, believe it or not, nobody from British Columbia paid attention to that event — not a member from their provincial house and hardly a member of the federal house except the delegates were there. I was nothing but a helper. Ever since, of course, the meetings have taken place somewhere else in the world. Thus, I am not a member of the association.

I wish to commend the house leader. My network is large enough to know that he has played a great role in the Asia-Pacific Parliamentary Forum. He is cool, articulate, charming and pleasant. He does much for Canada and is a good example for our Pages to follow.

The essence of Canada is that you have types such as myself and you have types such as Senator Hays. That is why we are so rich in this country. He was an excellent chairman. He was highly respected in that parliamentary forum. I have been waiting a long time to say that to him. He once told me not to emphasize his role.

• (2210)

He is well respected. As honourable senators know, participation in parliamentary associations is something in which

I believe. Those senators who choose not to be involved have the responsibility to explain their decision to the public. We are not members of a provincial house. When one wishes to dedicate himself or herself to Canada, one becomes a member of the federal house. As a member of a federal house one should have international involvement. If a federal representative claims that they have no international involvement, in my view that person should run for a seat in a provincial house.

Senator Hays has played that role, and not only there but in the Canada-Japan Inter-Parliamentary Group and the Asia-Pacific Parliamentary Forum. I do not say this because I expect anything from anyone. I say it because I believe what I say. I want to say it publicly and pay tribute to Senator Hays' ability as chairman of the Asia-Pacific Parliamentary Forum.

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, if I had not already spoken to this item I would rise to thank Senator Prud'homme for his kind words, but I have spoken to it; therefore, I cannot.

The Hon. the Speaker: If no other honourable senator wishes to speak, this inquiry will be considered debated.

BUSINESS OF THE SENATE

ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I must remind you of my remarks at the beginning of the Orders of the Day and, with leave, return to that for purposes of requesting a house order for our business tomorrow.

I also remind honourable senators that at that time Senator Kinsella and I — when others, including independent senators, were present — agreed that we would sit tomorrow for purposes of dealing with Bill C-44, if we receive it, and for purposes of Royal Assent, which is necessary to give force and effect to the legislation that has been passed in the two houses over the last few weeks.

Accordingly, at this time I would ask consent for an order of the house that we sit tomorrow at 10:30 a.m., and that after prayers are read, if a letter is received from Government House with respect to Royal Assent, the letter shall be read forthwith, after which the Senate will adjourn at pleasure to reassemble at the call of the Chair at approximately 12 noon. At 12 noon the bells will ring for 30 minutes and, after Royal Assent is given to certain bills, the Senate will resume its sitting, whereupon all matters on the Orders of the Day and on the Notice Paper will retain their position, after which the Senate will then forthwith adjourn.

Honourable senators, I have had some help with this motion. I do not know if it is perfect, but I think it does reflect what we agreed to earlier, which is that we will request the Chair to call us into session if we receive Bill C-44. Other than that, we will do no business other than Royal Assent. The Royal Assent will be at 12:30. We do not know that for sure because we cannot schedule a Royal Assent until Her Majesty's representative gives us letters to indicate that a Royal Assent will be held. That is why that wording is in this motion.

Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move that motion.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), it is moved by the Honourable Senator Hays, seconded by the Honourable Senator Joyal:

That when the Senate adjourns today, it do stand adjourned until tomorrow, Friday, October 20, 2000, at 10:30 a.m.;

That after the prayers are read, if a letter is received from Government House with respect to Royal Assent, the letter shall be read forthwith; after which the Senate will adjourn at pleasure to reassemble at the call of the Chair at approximately 12 noon;

That at 12 noon the bells will ring for 30 minutes; and

That after Royal Assent is given to certain bills, the Senate will resume its sitting and all matters on the Order Paper and on the Notice Paper shall retain their position;

Is it your pleasure, honourable senators, to adopt the motion?

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Was there a further piece to be read?

Senator Hays: No, there was not. I added the language that "no further business will be done."

The Hon. the Speaker: After which the Senate will adjourn, and no further business will be done.

Senator Kinsella: What will happen after Royal Assent?

Senator Hays: We will be unable to do any business. By virtue of the order, we will adjourn.

The following question has been asked: What happens if we receive Bill C-44? Bill C-44 is one of the principal reasons for our sitting tomorrow. We indicated earlier in the day that we think it is important legislation. As far as I know, we would intend to deal with it expeditiously and, while it would be up to this chamber to make a decision at the time, it is my belief that we would be able to deal with the bill in the manner that we dealt with Bill C-45.

I do not think we will know whether we are receiving the bill until 10:30 tomorrow morning. That is why the motion is worded that way. If we do receive it, then I would request the Chair to call the Senate back and we would proceed to deal with all stages of Bill C-44 before we adjourn, in a timely way, so that the bill can be given Royal Assent.

The other part of the motion is that we have agreed to do no other business. There will be no Routine Proceedings; there will be no Question Period; there will be no Senators' Statements; and we will not deal with matters on the Order Paper. That is the order that I am requesting honourable senators to approve.

I have presented a written order that I interpret the way I have just said. What I am saying now is a matter of record. What I have said is too long to put into an order, but I believe that the motion that I have put forward covers the subject matter of our business tomorrow in the way that I have described.

Senator Kinsella: Thank you.

Senator Lynch-Staunton: That is clear.

The Hon. the Speaker: I assume, honourable senators, that if we receive Bill C-44 between 10:30 a.m. and 12 noon, I will call the Senate back. Is it agreed?

Hon. Senators: Agreed.

The Hon. the Speaker: Very well.

Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Friday, October 20, 2000, at 10:30 a.m.

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Friday, October 20, 2000

THE HONOURABLE GILDAS L. MOLGAT
SPEAKER



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THE SENATE

Friday, October 20, 2000

The Senate met at 10:30 a.m., the Speaker in the Chair.

Prayers.

ROYAL ASSENT

NOTICE

The Hon. the Speaker informed the Senate that the following communication had been received:

RIDEAU HALL

October 20, 2000

Sir,

I have the honour to inform you that the Honourable Louise Arbour, Puisne Judge of the Supreme Court of Canada, in her capacity as Deputy Governor General, will proceed to the Senate Chamber today, the 20th day of October, 2000, at 12:30 p.m., for the purpose of giving Royal Assent to certain bills.

Yours sincerely,

Barbara Uteck
Secretary to the Governor General

The Honourable
The Speaker of the Senate
Ottawa

[English]

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, according to the order passed yesterday, I must now declare the Senate —

Hon. Bill Rompkey: Honourable senators, I wonder if I might have unanimous consent to revert to Senators' Statements for a moment.

The Hon. the Speaker: Honourable Senator Rompkey, there are no Senators' Statements today, but if leave is granted, anything can be done.

Is leave granted, honourable senators?

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, there is a question as to why Senator

Rompkey is requesting leave. Perhaps he could explain and then ask leave of the chamber.

Hon. Marcel Prud'homme: I do not want any surprises.

Senator Rompkey: Honourable senators, far be it from me to surprise anyone, in particular Senator Prud'homme, because I know how he reacts to surprises. I simply wanted to say a few words about Suzanne Beaudoin, our Director of Human Resources, who is retiring. This will be our last opportunity to pay tribute to her.

Hon. Senators: Agreed.

SENATORS' STATEMENTS

MS SUZANNE BEAUDOIN

TRIBUTE ON RETIREMENT

Hon. Bill Rompkey: Honourable senators, I wish to pay tribute to a very special Senate administration employee, Suzanne Beaudoin, who is leaving us tomorrow.

Suzanne was appointed in July 1994 as Director of Human Resources, just months after the Clerk himself was appointed. We will not ask how old the Clerk is, and therefore we will not discuss age at all, but she came to us just after he took up his responsibilities.

During her six years with us, she has faced many challenges, and I might just put on the record some of them: the Employee Departure Incentive Program, the review of a severance package for senators' employees, the coordination of a trip to China at the Speaker's request, and, particularly important to those of us who served on the Internal Economy Committee, the successful negotiation of the bargaining with our units here in the Senate. Those of us who were involved know the importance of this work. It goes on behind the scenes. No one sees it, but it is hard work. This work was done well and it was done successfully. She also looked after the classification revision. Most recently, she coordinated the effort that we saw outside the Centre Block in recent days with the establishment of the monument for the Famous Five. That was Suzanne's work.

Honourable senators, we went to Suzanne with issues like that, and she handled them with diplomacy and with grace. She was straightforward. She was strong. She was compassionate. She was the ideal public servant. It has been an honour for me to serve with her, and I am sure I speak for all senators.

Senator Prud'homme: Yes.

Senator Rompkey: Throughout her tenure, Suzanne has shown a remarkable degree of professionalism and dedication. Her contribution has been substantial, whether to the morale of our staff or to improving their skills. Her enthusiasm was evident last week in her efforts with regard to the Famous Five.

Our loss, however, will allow Suzanne to spend more time with her family, her husband, Mike, her daughters, Camille and Adèle, and she will be able to pursue more actively her passions of art, cooking and travel.

Suzanne, on behalf of the Internal Economy Committee and all senators, we wish you well and many years of happiness. Suzanne, à la prochaine. Merci et bonne chance.

[Translation]

• (10:40)

THE SENATE

EXPRESSION OF GRATITUDE TO ADMINISTRATION

Hon. Louis J. Robichaud: Honourable senators, if I may have the unanimous consent of the Senate, I should like to say one last thing that I forgot to mention yesterday.

The Hon. the Speaker: Is there unanimous consent, honourable senators?

Hon. Senators: Agreed.

Senator Robichaud: Yesterday, during my remarks upon my leaving this place, I forgot to thank the staff of the Senate, namely the Clerk, the pages, the messengers, the security guards, the interpreters and the translators and those who draft the documents that are submitted to us every day.

I do not think there is any institution in the world where courtesy is as obvious as it is in the Senate, this from the whole staff.

Upon leaving, my last word is a very short one: thanks to the whole staff — I do not want to forget anyone — thanks to all of you.

[English]

Hon. J. Bernard Boudreau (Leader of the Government and Minister of State (Atlantic Canada Opportunities Agency)): Honourable senators, with leave of my colleagues in the Senate, I should like to make a brief statement as well.

The Hon. the Speaker: Is leave granted?

Hon. Senators: Agreed.

EXPRESSIONS OF GRATITUDE AND PARTING COMMENTS

Hon. J. Bernard Boudreau (Leader of the Government and Minister of State (Atlantic Canada Opportunities Agency)):

Honourable senators, if certain events transpire over the next few days, this may be the last time I stand in my place here in this institution.

Senator Nolin: You will be back.

Senator Boudreau: I was somewhat comforted by the assistance that the Honourable Leader of the Opposition gave me yesterday, and I am saving that reference in case it is needed.

First, I wish to say a thank you to all the staff, who have been so wonderful and helpful to me in this job; that is, the Speaker, the Clerk, and all of the others who so professionally performed their duties.

Honourable senators, when I came to this place, I was very much deposited in a situation with which I was not terribly familiar. It was a very humbling experience for me — in fact, intimidating — to be sitting here with the giants of the political scene from all parties, at least all the parties that have had serious responsibilities in this country over the past number of years. Therefore, I wish to express my gratitude, first, to members opposite for their consideration and for their directness in dealing with me. I appreciate the way they conducted their affairs while I filled this position.

Although the opposition leadership and I did not always agree, I found that we could deal with each other clearly, frankly and openly. I never doubted for a moment when an undertaking was given that it would be completed. I say to them as well, thank you very much for the professional and courteous way in which we were able to conduct our affairs.

I thank my colleagues very much for their support. They put up with what I would refer to as a “rookie” in this league. They have been very patient with me as I attempted to learn this job as quickly as I could. They were always supportive, considerate, and I want to thank them sincerely.

There are a few people I wish to single out. My two caucus leaders, Senator Fraser and Senator Poulin, have been of great assistance to me, as has the whip, Senator Mercier. We developed an expression that we used often as we worked our way through my term here: “So far so good.” Senator Mercier has not yet translated that phrase into French for me, but it often described our dealings as we faced the day-to-day challenges.

Honourable senators, I must recognize one person above all others, and that is the Deputy Leader of the Government, Dan Hays.

Hon. Senators: Hear, hear!

Senator Boudreau: While others have been either encouraging, helpful, considerate, or patient, Senator Hays has been all of those things. He has also been indispensable. I can say, without exaggeration — which does sometimes happen in this place — that I would not have been able to perform my job in this place without the assistance of Dan Hays. For that, I thank him very much.

Honourable senators, I leave here — if events over the weekend so dictate — with a new sense of the institution of the Senate and the people who work here. I did have some academic appreciation of the functioning of the Senate because I had read about the Senate. However, it is a different education to come here, stand on the floor of this chamber, and deal with people I regard as true Canadians — in fact, as I have already said, people who are giants on the political landscape of this country. One grows to respect the institution in a very special way; one grows to respect the people in the institution. I will carry that respect with me, from this place, and I will have it always. As a matter of fact, if events should transpire such that I return to Parliament Hill in some other capacity, I promise to be a missionary for this institution and its people. Thank you very much.

Hon. Marcel Prud'homme: Honourable senators, may I ask your indulgence?

Some Hon. Senators: Ask for leave!

Senator Nolin: May we know what you wish to talk about?

[Translation]

The Hon. the Speaker: Senator Prud'homme, I must first get the consent of this chamber.

[English]

Senator Prud'homme: Honourable senators, I wish to talk about His Honour.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

EXPRESSIONS OF GRATITUDE TO THE
HONOURABLE GILDAS L. MOLGAT IN HIS ROLE AS SPEAKER

Hon. Marcel Prud'homme: Honourable senators, I shall be brief, but being brief does not diminish the importance of what I have to say.

Today may be the last day of our session. Who knows whether this is to be the last day, as well, for our beloved Speaker to serve in the Chair. I hope not, but we do not know. If that is to be, however, I wish to take this opportunity to say a few words.

I feel that all honourable senators hold our Speaker in great esteem, and that we appreciate his high degree of civility. The atmosphere here this morning is such that we are all kind to each other, albeit most of us have probably had very little sleep. I, for one, have been uplifted by that kindness. I am certain that I have unanimity when I say that His Honour has been what the Senate should expect from its Speaker.

Honourable senators, His Honour has an international stature that can only reflect well on all senators. Many senators have

witnessed him leading delegations abroad, where he has shown that he is not only our Speaker but also a fabulous diplomat. I say that in English but, so as not to sidetrack myself, I say to Your Honour —

[Translation]

— Your Honour, we really appreciate all that you have done to make the lives of senators as pleasant as possible. We thank you for that and, once again, we want to share the feelings that we have towards you with your wife, Allison.

[English]

The Hon. the Speaker: Honourable senators, the order passed by the Senate yesterday stated that after the reading of the Royal Assent letters:

...the Senate will adjourn at pleasure to reassemble at the call of the Chair at approximately 12 noon;

That at 12 noon the bells will ring for 30 minutes; and

That after Royal Assent is given to certain bills, the Senate will resume its sitting and all matters on the Orders of the Day and on the Notice Paper shall retain their position; after which the Senate will adjourn and no further business will be done.

Accordingly, the Senate is now adjourned during pleasure, to resume at twelve o'clock.

The Senate adjourned during pleasure.

[Translation]

• (1230)

ROYAL ASSENT

The Honourable Louise Arbour, Puisne Judge of the Supreme Court of Canada, in her capacity as the Deputy of Her Excellency the Governor General, having come and being seated at the foot of the Throne and the House of Commons having been summoned and being come with their Speaker, the Honourable the Speaker of the Senate said:

I have the honour to inform you that Her Excellency the Governor General has been pleased to cause Letters Patent to be issued under her Sign Manual and Signet constituting the Honourable Louise Arbour, Puisne Judge of the Supreme Court of Canada, her Deputy, to do in Her Excellency's name all acts on her part necessary to be done during Her Excellency's pleasure.

The Commission was read by a Clerk at the Table.

The Honourable the Deputy Governor General was pleased to give the Royal Assent to the following bills:

An Act to establish the Canadian Tourism Commission (*Bill C-5, Chapter 28, 2000*)

An Act to repeal An Act to incorporate the Western Canada Telephone Company (*Bill S-26, Chapter 29, 2000*)

An Act to amend the Excise Tax Act, a related Act, the Bankruptcy and Insolvency Act, the Budget Implementation Act, 1997, the Budget Implementation Act, 1998, the Budget Implementation Act, 1999, the Canada Pension Plan, the Companies' Creditors Arrangement Act, the Cultural Property Export and Import Act, the Customs Act, the Customs Tariff, the Employment Insurance Act, the Excise Act, the Income Tax Act, the Tax Court of Canada Act and the Unemployment Insurance Act (*Bill C-24, Chapter 30, 2000*)

An Act to amend the Defence Production Act, (*Bill S-25, Chapter 31, 2000*)

An Act respecting the national parks of Canada (*Bill C-27, Chapter 32, 2000*)

An Act respecting an agreement with the Norway House Cree Nation for the settlement of matters arising from the flooding of land, and respecting the establishment of certain reserves in the province of Manitoba (*Bill C-14, Chapter 33, 2000*)

An Act to amend the statute law in relation to veterans' benefits (*Bill C-41, Chapter 34, 2000*)

An Act respecting the provision of increased funding for health care services, medical equipment, health information and communications technologies, early childhood development and other social services and to amend the Federal-Provincial Fiscal Arrangements Act (*Bill C-45, Chapter 35, 2000*)

The House of Commons withdrew.

The Honourable the Deputy Governor General was pleased to retire.

The sitting of the Senate was resumed.

[*English*]

• (1250)

ADJOURNMENT

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday next, October 24, 2000, at 2 p.m.

Before we adjourn, I should like to add my thanks for the courtesy and hard work of colleagues during the past few months.

The Hon. the Speaker: Honourable senators, before I conclude the adjournment motion, I wish to invite all of you to join me in the Speaker's chamber to meet Madam Justice Arbour, who has been newly appointed as a commissioner here.

I also wish on this occasion to invite to my chambers the Table officers, the pages, the reporters and those who work with us here in the house. I hope that all will be able to come.

[*Translation*]

I would like to thank Senator Prud'homme for his comments earlier today. Only God knows what will happen, or perhaps I should say only the Prime Minister knows. Thank you. It has been a pleasure working with you.

[*English*]

Is it your pleasure, honourable senators, to adopt the adjournment motion?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, October 24, 2000, at 2 p.m.

THE SENATE OF CANADA
PROGRESS OF LEGISLATION
 (2nd Session, 36th Parliament)
Friday, October 20, 2000

GOVERNMENT BILLS
(SENATE)

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
S-3	An Act to implement an agreement, conventions and protocols between Canada and Kyrgyzstan, Lebanon, Algeria, Bulgaria, Portugal, Uzbekistan, Jordan, Japan and Luxembourg for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income	99/11/02	99/11/24	Banking, Trade and Commerce	99/12/07	0	99/12/16	00/06/29	11/00
S-10	An Act to amend the National Defence Act, the DNA Identification Act and the Criminal Code	99/11/04	99/11/18	Legal and Constitutional Affairs	99/12/16	2	00/02/09	00/06/29	10/00
S-17	An Act respecting marine liability, and to validate certain by-laws and regulations	00/03/02	00/04/04	Transport and Communications	00/05/09	2	00/05/17		
S-18	An Act to amend the National Defence Act (non-deployment of persons under the age of eighteen years to theatres of hostilities)	00/03/21	00/04/04	Foreign Affairs	00/05/04	0	00/05/16	00/06/29	13/00
S-19	An Act to amend the Canada Business Corporations Act and the Canada Cooperatives Act and to amend other Acts in consequence	00/03/21	00/04/06	Banking, Trade and Commerce					
S-22	A First Act to harmonize federal law with the civil law of the Province of Quebec and to amend certain Acts in order to ensure that each language version takes into account the common law and the civil law	00/05/11	00/05/18	Legal and Constitutional Affairs					
S-25	An Act to amend the Defence Production Act	00/06/14	00/09/21	Banking, Trade and Commerce	00/10/05	2	00/10/05	00/10/20	31/00
S-26	An Act to repeal An Act to incorporate the Western Canada Telephone Company	00/06/15	00/06/28	Transport and Communications	00/09/21	0	00/10/05	00/10/20	29/00
S-30	An Act to amend the Proceeds of Crime (Money Laundering) Act	00/10/05							

**GOVERNMENT BILLS
(HOUSE OF COMMONS)**

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
C-2	An Act respecting the election of members to the House of Commons, repealing other Acts relating to elections and making consequential amendments to other Acts	00/02/29	00/03/28	Legal and Constitutional Affairs	00/04/13	0	00/05/31	00/05/31	9/00
C-4	An Act to implement the Agreement among the Government of Canada, Governments of Member States of the European Space Agency, the Government of Japan, the Government of the Russian Federation, and the Government of the United States of America concerning Cooperation on the Civil International Space Station and to make related amendments to other Acts	99/11/23	99/12/01	Foreign Affairs	99/12/09	0	99/12/14	99/12/16	35/99
C-5	An Act to establish the Canadian Tourism Commission	00/06/14	00/06/28	Social Affairs, Science and Technology	00/09/21	0	00/10/05	00/10/20	28/00
C-6	An Act to support and promote electronic commerce by protecting personal information that is collected, used or disclosed in certain circumstances, by providing for the use of electronic means to communicate or record information or transactions and by amending the Canada Evidence Act, the Statutory Instruments Act and the Statute Revision Act	99/11/02	99/12/06	Subject matter 99/11/24 Social Affairs, Science and Technology	99/12/06 99/12/07	2	99/12/09	00/04/13	5/00
C-7	An Act to amend the Criminal Records Act and to amend another Act in consequence	99/11/02	99/11/17	Legal and Constitutional Affairs	99/11/30	4	99/12/08	00/03/30	1/00
C-9	An Act to give effect to the Nisga'a Final Agreement	99/12/14	00/02/10	Aboriginal Peoples	00/03/29	0	00/04/13	00/04/13	7/00
C-10	An Act to amend the Municipal Grants Act	00/03/28	00/04/10	National Finance	00/05/04	0	00/05/09	00/05/31	8/00
C-11	An Act to authorize the divestiture of the assets of, and to dissolve, the Cape Breton Development Corporation, to amend the Cape Breton Development Corporation Act and to make consequential amendments to other Acts	00/06/08	00/06/15	Energy, the Environment and Natural Resources	00/06/22	0	00/06/27	00/06/29	23/00
C-12	An Act to amend the Canada Labour Code (Part II) in respect of occupational health and safety, to make technical amendments to the Canada Labour Code (Part I) and to make consequential amendments to other Acts	00/06/01 (withdrawn 00/06/13) 00/06/13 (reintroduced)	00/06/15	Social Affairs, Science and Technology	00/06/22	0	00/06/22	00/06/29	20/00
C-13	An Act to establish the Canadian Institutes of Health Research, to repeal the Medical Research Council Act and to make consequential amendments to other Acts	00/03/30	00/04/04	Social Affairs, Science and Technology	00/04/06	0	00/04/10	00/04/13	6/00

C-14	An Act respecting an agreement with the Norway House Cree Nation for the settlement of matters arising from the flooding of land, and respecting the establishment of certain reserves in the province of Manitoba	00/10/04	00/10/16	Aboriginal Peoples	00/10/18	0	00/10/19	00/10/20	33/00
C-16	An Act respecting Canadian citizenship	00/05/31	00/06/27	Legal and Constitutional Affairs					
C-18	An Act to amend the Criminal Code (impaired driving causing death and other matters)	00/06/19	00/06/22	Legal and Constitutional Affairs	00/06/28	0	00/06/29	00/06/29	25/00
C-19	An Act respecting genocide, crimes against humanity and war crimes and to implement the Rome Statute of the International Criminal Court, and to make consequential amendments to other Acts	00/06/14	00/06/22	Foreign Affairs	00/06/27	0	00/06/28	00/06/29	24/00
C-20	An Act to give effect to the requirement for clarity as set out in the opinion of the Supreme Court of Canada in the Quebec Secession Reference	00/03/21	00/05/18	Special Committee of the Senate on Bill C-20	00/06/19	0	00/06/29	00/06/29	26/00
C-21	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2000	99/12/14	99/12/15	—	—	—	99/12/16	99/12/16	36/99
C-22	An Act to facilitate combatting the laundering of proceeds of crime, to establish the Financial Transactions and Reports Analysis Centre of Canada and to amend and repeal certain Acts in consequence	00/05/09 (withdrawn 00/05/11)	00/05/17	Legal and Constitutional Affairs (withdrawn 00/05/18)	00/06/15	0	00/06/22	00/06/29	17/00
		00/05/11 (reintroduced)		Banking, Trade and Commerce (00/05/18)					
C-23	An Act to modernize the Statutes of Canada in relation to benefits and obligations	00/04/12	00/05/09	Legal and Constitutional Affairs	00/06/08	0	00/06/14	00/06/29	12/00
C-24	An Act to amend the Excise Tax Act, a related Act, the Bankruptcy and Insolvency Act, the Budget Implementation Act, 1997, the Budget Implementation Act, 1998, the Budget Implementation Act, 1999, the Canada Pension Plan, the Companies' Creditors Arrangement Act, the Cultural Property Export and Import Act, the Customs Act, the Customs Tariff, the Employment Insurance Act, the Excise Act, the Income Tax Act, the Tax Court of Canada Act and the Unemployment Insurance Act	00/06/14	00/06/28	Banking, Trade and Commerce	00/09/21	0	00/10/17	00/10/20	30/00
C-25	An Act to amend the Income Tax Act, the Excise Tax Act and the Budget Implementation Act, 1999	00/06/08	00/06/14	Banking, Trade and Commerce	00/06/22	0	00/06/22	00/06/29	19/00
C-26	An Act to amend the Canada Transportation Act, the Competition Act, the Competition Tribunal Act and the Air Canada Public Participation Act and to amend another Act in consequence	00/05/16	00/05/30	Transport and Communications	00/06/15	0	00/06/20	00/06/29	15/00
C-27	An Act respecting the national parks of Canada	00/06/14	00/06/28	Energy, the Environment and Natural Resources	00/10/05	0	00/10/18	00/10/20	32/00
C-29	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2000	00/03/23	00/03/28	—	—	—	00/03/29	00/03/30	3/00

C-30	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2001	00/03/23	00/03/28	—	—	—	00/03/29	00/03/30	4/00
C-32	An Act to implement certain provisions of the budget tabled in Parliament on February 28, 2000	00/06/07	00/06/13	National Finance	00/06/15	0	00/06/19	00/06/29	14/00
C-34	An Act to amend the Canada Transportation Act	00/06/15	00/06/19	Agriculture and Forestry	00/06/21	0	00/06/22	00/06/29	16/00
C-37	An Act to amend the Parliament of Canada Act and the Members of Parliament Retiring Allowances Act	00/06/15	00/06/28	Banking, Trade and Commerce	00/06/29	0	00/09/21	00/09/21	27/00
C-41	An Act to amend the statute law in relation to veterans' benefits, to which they desire the concurrence of the Senate	00/10/16	00/10/17	Social Affairs, Science and Technology	00/10/19	0	00/10/19	00/10/20	34/00
C-42	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2001	00/06/19	00/06/22	—	—	—	00/06/22	00/06/29	18/00
C-45	An Act respecting the provision of increased funding for health care services, medical equipment, health information and communications technologies, early childhood development and other social services and to amend the Federal-Provincial Fiscal Arrangements Act	00/10/19	00/10/19	Committee of the Whole	00/10/19	0	00/10/19	00/10/20	35/00

COMMONS PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
C-202	An Act to amend the Criminal Code (flight)	00/02/08	00/02/22	Legal and Constitutional Affairs	00/03/02	0	00/03/21	00/03/30	2/00
C-247	An Act to amend the Criminal Code and the Corrections and Conditional Release Act (cumulative sentences)	99/11/02	00/05/18	Legal and Constitutional Affairs					
C-276	An Act to amend the Competition Act (negative option marketing)	00/05/18	00/06/15	Banking, Trade and Commerce					
C-445	An Act to change the name of the electoral district of Rimouski—Mitis	00/05/09	00/06/13	Legal and Constitutional Affairs	00/06/22	0	00/06/22	00/06/29	21/00
C-473	An Act to change the names of certain electoral districts	00/04/10	00/06/13	Legal and Constitutional Affairs	00/06/22	0	00/06/22	00/06/29	22/00

SENATE PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
S-2	An Act to facilitate the making of legitimate medical decisions regarding life-sustaining treatments and the controlling of pain (Sen. Carstairs)	99/10/13	00/02/23	Legal and Constitutional Affairs					
S-4	An Act to provide for judicial preauthorization of requests to be made to a foreign or international authority or organization for a search or seizure outside Canada (Sen. Nolin) <i>(Dropped from Order Paper pursuant to Rule 27(3) 00/05/11)</i>	99/11/02							
S-5	An Act to amend the Parliament of Canada Act (Parliamentary Poet Laureate) (Sen. Grafstein)	99/11/02	00/02/22	Social Affairs, Science and Technology	00/06/22	0	00/06/28		
S-6	An Act to amend the Criminal Code respecting criminal harassment and other related matters (Sen. Oliver)	99/11/02	99/11/03	Legal and Constitutional Affairs					
S-7	An Act respecting the declaration of royal assent by the Governor General in the Queen's name to bills passed by the Houses of Parliament (Sen. Lynch-Staunton)	99/11/02	00/02/22	Privileges, Standing Rules and Orders					
S-8	An Act to amend the Immigration Act (Sen. Ghitter) <i>(Dropped from Order Paper pursuant to Rule 27(3) 00/05/04)</i>	99/11/02							
S-9	An Act to amend the Criminal Code (abuse of process) (Sen. Cools)	99/11/03	00/05/04	Legal and Constitutional Affairs					
S-11	An Act to amend the Criminal Code to prohibit coercion in medical procedures that offend a person's religion or belief that human life is inviolable (Sen. Perrault, P.C.) <i>(Dropped from Order Paper pursuant to Rule 27(3) 00/02/08)</i> <i>(Restored to Order Paper 00/02/23)</i>	99/11/04							
S-12	An Act to amend the Divorce Act (child of marriage) (Sen. Cools)	99/11/18							
S-13	An Act to assist in the prevention of wrongdoing in the Public Service by establishing a framework for education on ethical practices in the workplace, for dealing with allegations of wrongdoing and for protecting whistleblowers (Sen. Kinsella)	99/12/02	00/02/22	National Finance					
S-15	An Act to amend the Statistics Act and the National Archives of Canada Act (census records) (Sen. Milne)	99/12/16	00/09/19	Social Affairs, Science and Technology					
S-16	An Act respecting Sir John A. Macdonald Day (Sen. Grimard)	00/02/22	00/06/28	Social Affairs, Science and Technology 00/06/29					

S-20	An Act to enable and assist the Canadian tobacco industry in attaining its objective of preventing the use of tobacco products by young persons in Canada (Sen. Kenney)	00/04/05	00/05/09	Energy, the Environment and Natural Resources	00/09/20	0	00/10/05
S-21	An Act to protect heritage lighthouses (Sen. Forrestall)	00/04/12	00/06/01	Fisheries			
S-23	An Act respecting Sir Wilfrid Laurier Day (Sen. Lynch-Staunton)	00/06/06	00/06/28	Social Affairs, Science and Technology 00/06/29			
S-24	An Act to amend the Broadcasting Act (Sen. Finestone, P.C.)	00/06/13	00/10/17	Transport and Communications			
S-27	An Act to guarantee the human right to privacy (Sen. Finestone, P.C.)	00/06/15	00/06/27	Social Affairs, Science and Technology			
S-29	An Act to provide for the recognition of the Canadian Horse as the national horse of Canada (Sen. Murray, P.C.)	00/06/27					
S-31	An Act to better assist the Senate to serve Canadians by restoring its rights, opportunities and functions (Sen. Joyal, P.C.)	00/10/19					
S-32	An Act to amend the Criminal Code to prohibit trafficking in persons (Sen. Kinsella)	00/10/19					

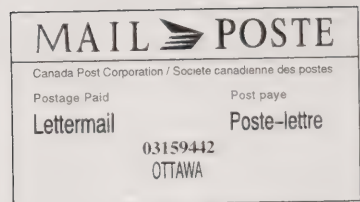
PRIVATE BILLS

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
S-14	An Act to amend the Act of incorporation of the Board of Elders of the Canadian District of the Moravian Church in America (Sen. Taylor)	99/12/02	99/12/07	—	—	—	99/12/08	00/03/30	
S-28	An Act to amend the Act of incorporation of the Conference of Mennonites in Canada (Sen. Carstairs)	00/06/22							

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